128-102

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1885.

No. 1204. 796 ~~171~~ 195

THE COUNTY OF LIVINGSTON, IN THE STATE OF MISSOURI, PLAINTIFF IN ERROR,

vs.

THE FIRST NATIONAL BANK OF PORTSMOUTH, NEW HAMPSHIRE.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF MISSOURI.

FILED NOVEMBER 7, 1885.

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JUDD & DETWEILER, PRINTERS, WASHINGTON.

1 UNITED STATES OF AMERICA, *sct:*

The President of the United States to the judges of the circuit court of the United States for the western division of the western district of Missouri, Greeting:

Because in the record and proceedings and also in the rendition of the judgment of a plea which is in the said circuit court before you, between The First National Bank of Portsmouth, New Hampshire, and The County of Livingston, in the State of Missouri, a manifest error hath happened, to the great damage of the said County of Livingston, in the State of Missouri, as by its complaint appears, we being willing that the error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you may have the same at Washington, D. C., on the second Monday of October next, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States, and the seal of said circuit court.

Issued at office in Kansas City, this first day of February, A. D. 1885.

[Seal of the United States Circuit Court, Western Division, for the Western District of Missouri.]

H. C. GEISBERG, *Clerk*,
By WARREN WATSON, *D. C.*

Allowed by—
A. KREKEL, *Judge.*

2 WESTERN DIVISION OF THE WESTERN DISTRICT OF MISSOURI, *sct:*

I do hereby return due and perfect obedience to the within writ, and do herewith, under the seal of said circuit court, distinctly and openly, send the record and proceedings aforesaid, with all things concerning the same.

Witness my hand as clerk and the seal of said court.

Issued at office in Kansas City this 31st day of March, A. D. 1885.

H. C. GEISBERG, *Clerk*,
By WARREN WATSON,
Deputy Clerk.

[Endorsed:] 533. United States circuit court, western district of Missouri, western division. The County of Livingston *vs.* The First National Bank of Portsmouth, N. H. Writ of error. Filed February 1st, 1885. H. C. Geisberg, clerk.

1—1204

3 UNITED STATES OF AMERICA, *sct:*

To The First National Bank of Portsmouth, New Hampshire, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden at Washington, D. C., on the second Monday of October next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States for the western division of the western district of Missouri, wherein The County of Livingston, in the State of Missouri, — plaintiff in error, and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error, as in said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Arnold Krekel, judge of the circuit court of the United States for the western division of the western district of Missouri, this first day of February, in the year of our Lord one thousand eight hundred and eighty-five.

A. KREKEL, *Judge.*

4 UNITED STATES OF AMERICA, } *ss:*
Western District of Missouri, }

I hereby acknowledge due service of the within citation this third day of February, A. D. 1885.

GEO. S. ELDRIDGE &
JOHN D. S. COOK,
Attorneys for Defendant in Error.

[Endorsed:] 533. United States circuit court, western district of Missouri, western division. The County of Livingston *vs.* The First National Bank of Portsmouth, N. H. Citation.

5 UNITED STATES OF AMERICA, *sct.:*

Pleas and proceedings had before the circuit court of the United States for the western division of the western district of Missouri, in a cause wherein The First National Bank of Portsmouth, New Hampshire, is plaintiff, and the County of Livingston, in the State of Missouri, is defendant. At law.

Be it remembered that heretofore, to wit, on the fourth day of September, A. D. 1882, there was filed in the office of the clerk of said court the following petition, to wit:

In the Circuit Court of the United States, Western Division, Western District of Missouri.

FIRST NATIONAL BANK OF PORTSMOUTH, NEW HAMPSHIRE, Plaintiff,
against
THE COUNTY OF LIVINGSTON, IN THE STATE OF MISSOURI, Defendant.

Plaintiff states that it is a corporation duly organized as a National Banking Association, at Portsmouth, in the State of New Hampshire, under and pursuant to the act of Congress entitled "An act to provide a national currency secured by a pledge of United States bonds,

and to provide for the circulation and redemption thereof," approved June 3d, 1864, and acts amending the same, and is a citizen of the State of New Hampshire.

That defendant is a municipal corporation existing under the laws of the State of Missouri, being one of the counties of said State within the western division of the western district of Missouri, composed of citizens of the State of Missouri, and is a citizen of the State of Missouri.

6 And for its 1st cause of action plaintiff says that defendant, on the 10th day of April, 1871, made and delivered its certain writing obligatory of that date, styled Livingston county bond, State of Missouri, issued in behalf of the municipal township of Chillicothe, signed by G. W. McDowell, presiding justice of the county court of said county, by order of said court, attested by W. H. Gaunt, clerk of said court, by order of said court, and with the seal of said court thereto affixed, and thereby acknowledged itself indebted and firmly bound to the St. Louis, Council Bluffs and Omaha Railroad Company in the sum of five hundred dollars, which sum defendant thereby promised to pay to the said St. Louis, Council Bluffs and Omaha Railroad Company or bearear, at the Bank of Commerce, in the city of New York, and State of New York, on the 1st day of July, 1885, together with the interest thereon from the 1st day of July, A. D. 1870, at the rate of eight per cent. per annum, payable semi-annually on the 1st days of January and July of each year, on the presentation and delivery at said bank of the coupons of interest thereto attached; that said bond was issued under and pursuant to an order of the county court of Livingston county, authorized by a two-thirds vote of the people of Chillicothe municipal township, as is therein recited, and under authority of the constitution and laws of the State of Missouri. Said bond, to distinguish it from others of the same issue, was marked No. 1, and a copy thereof, except as to number, is hereto annexed and made a part of this petition.

Amendment.

That said bond was issued under and pusuant to an order of the county court of Livingston county, authorized by a two-third vote of the people of Chillicothe municipal township, as is therein recited, and in aid of said railroad, under authority of an act of the Legislature of the State of Missouri, entitled "An act to facilitate the construction of railroads in the State of Missouri," approved March 23d, 1868, and of the constitution of the State of Missouri.

That as each coupon for semi-annual interest on said bond prior to July 1st, 1876, matured the same was paid by the officers of said county, on behalf of said Chillicothe municipal township, with the proceeds of a tax levied and collected each year by said county from the tax-payers of the said township for that purpose.

That by a certain interest coupon formerly attached to said bond and herewith filed, signed by W. H. Gaunt, clerk of the county court of said county, the defendant acknowledged itself to owe the sum of twenty dollars on the 1st day of July, 1876, being interest on said

bond No. 1, payable at the National Bank of Commerce, in the city of New York, State of New York.

That before said coupon became due and payable said bond, with said coupon attached thereto, was sold to and for value became the property of the plaintiff, who has ever since been the legal holder, owner, and bearer thereof.

That when said coupon by its terms became due and payable the same was presented at the National Bank of Commerce, in the city of New York, and State of New York, and payment thereof demanded, which was refused, and the same remains due and wholly unpaid; and said defendant, on and after July 1, 1876, has refused to pay any of the coupons then or since becoming due on said bond, or any part thereof, or to levy any tax for the payment thereof.

Plaintiff therefore prays judgment for said sum of twenty dollars, with interest thereon from the first day of July, 1876.

(Pages 7 to 317, inclusive, being 311 causes of action similar to the first, omitted per stipulation.)

318 Plaintiff states that the following is a true copy of each of the bonds aforesaid hereinbefore described in its petition, except as to the numbers thereon, the several bonds being numbered as hereinbefore stated:

Fifteen-Year Bond.

COUNTY OF LIVINGSTON, *State of Missouri:*

Livingston County bond issued in behalf of the municipal township of Chillicothe. Interest eight per cent. per annum, fifteen years, payable on the first days of January and July. No. —.

Know all men by these presents that the County of Livingston, in the State of Missouri, acknowledges itself indebted and firmly bound to the Saint Louis, Council Bluffs & Omaha Railroad Company in the sum of five hundred dollars, which sum the said county hereby promises to pay to the said Saint Louis, Council Bluffs & Omaha Railroad Company, or bearer, at the National Bank of Commerce, in the city of New York, State of New York, on the first day of July, 1885, together with interest thereon from the first day of July, 1870, at the rate of eight per cent. per annum, which interest shall be payable semi-annually on the first days of January and July of each year, on the presentation and delivery at said bank of the coupons of interest hereto attached. This bond being issued under and pursuant to an order of the county court of Livingston county, authorized by a two-thirds vote of the people Chillicothe municipal township.

In testimony whereof the said County of Livingston has executed this bond by the presiding justice of the county court of said county, under the order of said court, signing his name hereto, and by the clerk of said court, under the order thereof, attesting the same and affixing thereto the seal of said court.

319 This done at the city of Chillicothe, county of Livingston aforesaid, this tenth day of April, 1871.

(Signed) G. W. McDOWELL,
Presiding Justice of the County Court of Livingston County, State of Missouri.

Attest:
[L. S.] W. H. GAUNT,
Clerk of the County Court of Livingston County, State of Misssouri.

J. D. S. COOK,
Attorney for Plaintiff.
G. S. ELDRIDGE (Ottawa, Ills.),
Of Counsel.

And there was filed with said petition, in compliance with law, the following instruments in writing, commonly called coupons, to wit:

320 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on Bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on Bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT.
Clerk of the county court of Livingston county, State of Missouri.

321 18.

$20 Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 1 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

322 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

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$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

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$20. Chillicothe, Livingston county, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

323

18.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 2 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

324

12.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

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$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

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$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

325

18.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

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$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

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$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

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The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

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$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

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$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 3 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

326

12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston county, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

327

18.

$20. Chillicothe, Livingston, County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 4 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

328 12.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on Bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on Bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT.

Clerk of the county court of Livingston county, State of Missouri.

329 18.

$20 Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 5 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

330

12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston county, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

331

18.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 6 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

332 12.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

333

18.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 7 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

334 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston county, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

335 18.

$20. Chillicothe, Livingston, County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 8 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

336

12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on Bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on Bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT.
Clerk of the county court of Livingston county, State of Missouri.

337

18.

$20 Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 9 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

338 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston county, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

339 18.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 10 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

340 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

341

18.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 11 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

342 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 12 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 12 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 12 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston county, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 12 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 12 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 12 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

343

18.

$20. Chillicothe, Livingston, County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 12 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 12 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 12 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 12 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 12 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 12 for five hundred dollars; this couponpayable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 12 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

344 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on Bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on Bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT.
Clerk of the county court of Livingston county, State of Missouri.

345 18.

$20 Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 13 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

346 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston county, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

347

18.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 14 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

348 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

349 18.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 15 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

350 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston county, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

351

18.

$20. Chillicothe, Livingston, County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871. .

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 16 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

352 12.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on Bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on Bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT.

Clerk of the county court of Livingston county, State of Missouri.

353

18.

$20 Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

354 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT.

Clerk of the county court of Livingston county, State of Missouri.

353

18.

$20 Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 17 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

354 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston county, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

355

18.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 18 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

356 12.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

14.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1877, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

15.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1878, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

16.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1878, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

17.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1879, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

357

18.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1879, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

19.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1880, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

20.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1880, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

21.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1881, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

22.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1881, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

23.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1882, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

24.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1882, being interest on bond No. 19 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

358 12.

$20. Chillicothe, Livingston County, Mo.,
January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1876, being interest on bond No. 20 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,
Clerk of the county court of Livingston county, State of Missouri.

13.

$20. Chillicothe, Livingston County, Mo., January 1st, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of January, 1877, being interest on bond No. 20 for five hundred dollars; this coupon payable at the National Bank of Commerce, in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the county court of Livingston county, State of Missouri.

14.

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368 Upon the filing of said petition there was issued from the office of the clerk of said court a writ of summons in due form which was afterwards duly returned by the marshal with endorsement of service thereon, which writ and return are as follows, to wit:

369 UNITED STATES OF AMERICA, } *sct:*
Western Division of the Western District of Missouri, }

The President of the United States of America to the marshal of the United States for the western district of Missouri, Greeting:

You are hereby commanded to summon the County of Livingston, in the State of Missouri, and of the western division of the western district thereof, to be and appear before the honorable circuit court of the United States, in and for the western division of the western district of Missouri, on the first day of the next term thereof, to be begun and holden at the city of Kansas, in said district, on the third Monday, the 16th day of October next, then and there to answer the complaint of First National Bank of Portsmouth, a corporation and citizen of the State of New Hampshire, as set forth in the petition filed in the office of the clerk of said court, on the 4th day of September, A. D. one thousand eight hundred and eighty-two.

Hereof fail not, and have you then and there this writ.

Witness the Honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States, the 4th day of October, A. D. eighteen hundred and eighty-two.

Issued at office, in the city of Kansas, in said district, under the seal of said circuit court, the day and year last aforesaid.

[L. S.] H. C. GEISBERG, *Clerk,*
By WARREN WATSON,
Deputy Clerk.

370 UNITED STATES OF AMERICA,
Western Division of the Western District of Missouri:

I do hereby certify that I served the within writ by delivering a true copy thereof, together with a certified copy of the petition filed in the cause, to James E. Cadle, chief deputy of John R. Middleton, county clerk of Livingston Co., Mo., at his office in Chillicothe, Missouri, on the 6th day of Sept., 1882.

C. C. ALLEN,
U. S. Marshal, Western District of Missouri,
By JOSEPH H. McGEE, *Deputy.*

And afterwards, to wit, at the regular term of said court, begun and held at Kansas City on the third Monday in October, A. D. 1882, and on the 16th day of October, the following entry appears in the record, to wit:

FIRST NAT'L B'K OF PORTSMOUTH
against
LIVINGSTON COUNTY.

This day comes the defendant and files demurrer to plaintiff's petition.

Said demurrer is as follows, to wit:

In the Circuit Court of the United States, Western Division of the Western District of Missouri.

THE FIRST NATIONAL BANK OF PORTSMOUTH, New Hampshire, Pl'ff,
against
LIVINGSTON COUNTY, Defendant.

And now on this day comes the defendant and demurs to the petition of plaintiff in the above-entitled cause and to each count of the petition for the reason:

That said petition and each count thereof shows on the face
371 thereof that the facts as therein stated are not sufficient to constitute a cause of action in this.

1. It appears by said petition and in each count that the said defendant issued the bonds to which said coupons were attached in behalf of the municipal township of Chillicothe, but it nowhere appears for what purpose said bonds were issued.

2. Neither said petition nor the several counts thereof, nor the bonds therewith filed as an exhibit, show that said bonds were issued for any purpose authorized by law.

3. From the allegations therein made and from the bonds attached as an exhibit it appears that there was no consideration for said bonds, and that the same are void.

4. The law only authorizes bonds to be issued in behalf of a township in payment of a subscription to a railroad company, but it nowhere appears in said petition or any of the counts thereof that any subscription was ever made or intended to be made, or that said bonds were issued in payment of any such subscription or for any stock in any railroad company, or for any other purpose authorized by law.

Wherefore the defendant asks judgment.

JAMES L. DAVIS, KARNES & ESS,
Def't's Att'ys.

And afterwards at said term, to wit, on the tenth day of November, 1882, the following further entry appears on the records of said court, to wit:

FIRST NATIONAL BANK OF PORTSMOUTH, N. H.,
against
LIVINGSTON COUNTY.

This day come the parties, by their attorneys, and thereupon the demurrer to the petition is argued by counsel and submitted; and after the consideration of the premises the court doth order
372 that said demurrer be sustained. Comes then the said plaintiff and takes leave to amend its petition.

(The amendment to the said petition was, by leave of court, interlined in the petition and in each count thereof, and has been copied heretofore, being that portion of each count thereof which reads as follows, to wit: "Amendment: That said bond was issued under and pursuant to an order of the county court of Livingston county,

authorized by a two-thirds vote of the people of Chillicothe municipal township, as is therein recited, and in aid of said railroad, under authority of an act of the Legislature of the State of Missouri, entitled 'An act to facilitate the construction of railroads in the State of Missouri,' approved March 23d, 1868, and of the constitution of the State of Missouri.")

And afterwards, to wit, on the third day of January, 1883, it being a day of said court, the following answer was filed in said cause, to wit:

In the Circuit Court of the United States, Western Division, Western District of Missouri.

THE FIRST NATIONAL BANK OF PORTSMOUTH, NEW HAMPSHIRE, Plaintiff,
against
THE COUNTY OF LIVINGSTON, IN THE STATE OF MISSOURI, Defendant.

Comes now the defendant, the said County of Livingston, and, for answer to the several counts in plaintiff's first amended petition, denies all and singular the matters and things set forth therein.

Defendant, further answering, says: That under the provisions of section fourteen of article eleven of the constitution of this State, adopted by the people and declared in force from and after the fourth day of July, 1865, it was not lawful for any county, city, or town within this State to become a stockholder in or loan its
373 credit to any corporation or association unless two-thirds of the qualified voters of such county, city, or town at a special or regular election to be held therein should assent thereto; and that by an act of the General Assembly of the State, entitled "An act to facilitate the construction of railroads in the State of Missouri," approved March 23d, 1868, it is provided "that any county court in this State may subscribe to the capital stock of any railroad company organized under the laws of this State for and on account of any municipal township for election purposes in said county and issue bonds on behalf of such municipal township to pay such subscription: Provided, That at least twenty-five tax-payers of said municipal township shall petition said court to order an election to be held in said township to determine if such subscription shall be made, and if at such election two-thirds of the qualified voters of such municipal township voting at such election shall assent to such subscription then it is made the duty of the county court of such county to make such subscription for and on behalf of such township and issue bonds in the name of such township to pay such subscription (with interest coupons attached to said bonds). And defendant says that no petition was ever presented to the county court of Livingston county by the tax-payers of said municipal township of Chillicothe, as required by said act, praying for any such election; nor did said court ever order any election to be held in said township or any other thing done to determine by a vote of said township or otherwise whether said

municipal township of Chillicothe would subscribe any sum or amount whatever to the capital stock of the Saint Louis, Council Bluffs & Omaha Railroad Company; nor did said county court ever order, direct, or authorize the bonds described in said counts of said petition or either of them or the coupons attached thereto or either of them to be be issued for or on account of said township or
374 otherwise; nor was any election ever held in said municipal township to determine whether said municipal township or the voters therein would consent to any subscription on account of said municipal township to the capital stock of said railroad company or the issuance of the bonds and coupons described in the first count in said petition. Defendant denies that said bonds, or either of them, or the coupons thereto attached, or either of them, were issued under and by virtue of an act of the General Assembly of this State, entitled "An act to facilitate the construction of railroads in the State of Missouri," approved March 23d, 1868, as stated in said counts of said petition, nor under or by virtue of any provision of the constitution or laws of this State, and that the issuance and delivery of said bonds and coupons attached as stated in said counts of said petition were without authority of said county court and in violation of the constitution and laws of this State.

Defendant, further answering, denies that the plaintiff is the owner and holder in good faith and for value of the bonds described in his petition or the interest coupon and bond described in the said first count in his petition.

Wherefore defendant asks judgment.

JAS. L. DAVIS, KARNES & ESS,
Def't's Att'ys.

And afterwards at said term, to wit, on the 23d day of January, 1883, the following further entry appears of record in said court, to wit:

In the Circuit Court of the United States for the Western Division of the Western District of Missouri.

In the matter of FIRST NATIONAL BANK OF PORTSMOUTH
vs.
COUNTY OF LIVINGSTON.

Plaintiff, for reply to defendant's answer, denies each and every allegation of new matter therein contained.

375 By GEORGE S. ELDRIDGE AND
JOHN D. S. COOK,
Att's for Pl'ffs.

And afterwards, to wit, at a regular term of said court, begun and held at Kansas City, in said district, on Monday the 20th day of October, A. D. 1884, and on the 23rd day of October, it being a day of said term, the following entry appears of record in said court, to wit·

FIRST NAT. BANK OF PORTSMOUTH
against
LIVINGSTON COUNTY.

This day come the parties by their attorneys, the plaintiff by John D. S. Cook, Esq., and the defendant by Messrs. Karnes & Ess, and thereupon, by the agreement of counsel in open court, this cause is to be heard without the intervention of a jury, and the same being regularly called for trial the premises are submitted to the court upon the pleadings and proofs and taken under advisement.

And afterwards, to wit, on the 6th day of January, 1885, it being a day of said term, the following further entry appears of record in said court, to wit:

FIRST NATIONAL BANK OF PORTSMOUTH
against
LIVINGSTON COUNTY.

This day come the parties by their attorneys, the plaintiff by John D. S. Cook and G. S. Eldridge, and the defendant by Messrs. Karnes & Ess, and this cause having been heretofore submitted to the court and taken under advisement, now the court, being fully advised concerning the premises, doth find that the defendant is indebted to the plaintiff by reason of the matters alleged in the petition
376 in the sum of eight thousand four hundred [and] seventy-six dollars and sixty cents ($8,476.60).

It is therefore considered by the court that the plaintiff, the First National Bank of Portsmouth, New Hampshire, recover against the defendant, the County of Livingston, in the State of Missouri, the said sum of eight thousand four hundred [and] seventy-six dollars and sixty cents ($8,476.60), so found to be due, with its costs, to be collected, if necessary, by mandamus against the county court of said county, commanding it to levy and collect from Chillicothe municipal township, in said county, a special tax according to law for the payment of said judgment, interest and costs, and to pay the same.

Thereupon special findings are signed by the court and ordered to be filed and made part of the record herein.

Thereupon defendant presents to the court its bill of exceptions herein, which is by the court signed and sealed and ordered to be filed and made a part of the record herein.

Ordered that the defendant have leave until the first Monday in February to file bond for supersedeas herein.

Said special findings are as follows, to wit:

Finding of Facts.

In the Circuit Court of the United States for the Western Division of the Western District of Missouri. October Term, A. D. 1884.

THE FIRST NATIONAL BANK OF PORTSMOUTH
vs.
THE COUNTY OF LIVINGSTON.

In the above-entitled cause the court finds as follows:

First. The plaintiff is a corporation organized under the act of Congress entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the
377 circulation and redemption thereof," approved June 3rd, 1864, and acts amending the same, and is a citizen of the state of New Hampshire.

Second. Defendant is a municipal corporation, to wit, one of the counties of the State of Missouri, within the western division of the western district of Missouri, and is a citizen of the state of Missouri.

Third. Ever since the first of January, 1870, one of the townships of said county was and is called Chillicothe township.

Fourth. On the tenth day of April, 1871, the defendant issued twenty-four (24) bonds, numbered consecutively from one (1) to twenty-four (24), inclusive, signed by the presiding justice of the county court, attested by the clerk of said court, and with the seal thereof. Each of said bonds was, except as to number, in the following form:

Fifteen-Year Bond.

COUNTY OF LIVINGSTON, *State of Missouri:*

Livingston County bond issued in behalf of the municipal township of Chillicothe. Interest eight per cent. per annum, payable on the first days of January and July Fifteen years. No. 18.

Know all men by these presents that the County of Livingston, in the State of Missouri, acknowledges itself indebted and firmly bound to the St. Louis, Council Bluffs & Omaha Railroad Company in the sum of five hundred dollars ($500), which sum the said county hereby promises to pay to the said Saint Louis, Council Bluffs & Omaha Railroad Company, or bearer, at the National Bank of Commerce, in the city of New York, State of New York, on the first day of July, 1885, together with interest thereon from the first day of January, 1870, at the rate of eight (8) per cent. per annum, which interest shall be payable semi-annually on the first days of
378 January and July of each year, on the presentation or delivery at said bank of the coupons of interest hereto attached. This bond being issued under and pursuant to an order of the county court of Livingston county, authorized by a two-thirds vote of the people of Chillicothe municipal township.

In testimony whereof the said County of Livingston has executed this bond by the presiding justice of the county court of said
[L. S.] county, under an order of said court, signing his name hereto, and by the clerk of said court, under the order thereof, attesting the same and affixing thereto the seal of said court.

This done at the city of Chillicothe, county of Livingston aforesaid, this tenth day of April, A. D., 1871.

G. W. McGLOWEN,
Presiding Justice of the County Court of
Livinston County, State of Missouri.

Attest:

[Seal of the County Court of Livingston County.]

W. H. GRANT,
Clerk of the Livingston *County Court of*
Livingston County, State of Missouri.

Fifth. Attached to each of said bonds were coupons for the interest, each, except as to number and date when due, being in the following form:

$20 CHILLICOTHE, LIVINGSTON COUNTY, Mo., *January* 1, 1871.

The County of Livingston acknowledges to owe the sum of twenty dollars on the first day of July, 1871, being interest on bond number one for five hundred dollars. This coupon payable at the National Bank of Commerce in the city of New York, State of New York.

W. H. GAUNT,

Clerk of the County Court of Livingston County, State of Missouri.

And successive coupons for each installment of the interest were attached to each of said bonds.

379 Sixth. The plaintiff, in the month of April, 1871, bought all of said bonds and the coupons thereto attached and not then matured in the open market for cash and without notice of any defect or infirmity therein or in the action of the county court of said county in issuing the same.

Seventh. The plaintiff has ever since been and still is the holder of said bonds and the unpaid coupons thereon.

At the time of the institution of this suit it was the holder of the coupons then matured and described in the petition and filed therewith in this cause. Said coupons with interest thereon to this date amount to the sum of eighty-four hundred and seventy-six dollars and sixty cents.

Eighth. Said bonds were issued under the following circumstances:

(1.) On July 14th, 1868, there were filed in the office of the secretary of state of Missouri articles of association, and afterwards, on June 29th, 1869, an affidavit for change of corporate name. Said articles and affidavit are as follows:

Articles of Association of the St. Louis, Chillicothe and Omaha Railroad Company, made and entered into this 18th day of June, one thousand eight hundred and sixty-seven.

SEC. 1. The name of this association shall be St. Louis, Chillicothe and Omaha Railroad Company and shall continue for one hundred years.

SEC. 2. The object of this association is the constructing, maintaining, and operating a railroad for public use in the conveyance of persons and property.

SEC. 3. The places from and to which said railroad is to be constructed, maintained, or operated are the city of Chillicothe, in the county of Livingston, State of Missouri, and such point on the boundary line between the States of Missouri and Iowa as

380 shall be deemed, after actual survey, to be on the most direct and feasible route for constructing, maintaining, and operating a railroad between the said city of Chillicothe and the city of Omaha, in the State of Nebraska.

SEC. 4. The length of said railroad shall be about ninety miles and shall be made into or through the counties of Livingston, Davies, and Gentry, and into or through one or more of the following counties, to wit, Nodaway, Harrison, and Worth.

SEC. 5. The amount of capital stock of said company shall be three millions of dollars, divided into sixty thousand shares of fifty dollars each.

SEC. 5. The names and places of residence of the directors of said company who shall manage its affairs for the first year and until others are chosen in their places are as follows:

Names.	Residences.
1. Will. R. King	Omaha, Nebraska.
2. Stad. Balcomb	Omaha, Nebraska.
3. D. H. Solomon	Glenwood, Iowa.
4. J. S. McIntire	Clarinda, Iowa.
5. J. B. Bell	Chillicothe, Missouri.
6. Chas. V. Meade	Chillicothe, Missouri.
7. L. D. Murphy	Chillicothe, Missouri.
8. J. H. Hammond	Chillicothe, Missouri.
9. P. Markey	Chillicothe, Missouri.
10. Charles V. Comstock	Albany, Missouri.
11. W. C. Stewart	Gallatin, Missouri.
12. Charles P. Choteau	St. Louis, Missouri.
13. E. W. Samuels	St. Louis, Missouri.

SEC. 7. The association is organized under and subject to the laws of the State of Missouri contained in chapters sixty-two and
381 sixty-three of title XXIV of the general statutes of Missouri of 1865, possessing all and singular the powers therein contained.

SEC. 8. We, whose names are signed hereto as subscribers to the capital stock of the St. Louis, Chillicothe & Omaha Railroad Company, hereby agree to be governed by the foregoing articles of association and to pay the several sums set opposite our names to the directors or their authorized agent whenever called on so to do.

Witness our signatures and amounts hereto annexed.

Signatures.	Amount.
1. Will. R. King, Omaha, Neb., one hundred shares	$5,000
2. Stad. Balcomb, Omaha, Neb., one hundred shares	5,000
3. J. S. McIntire, Clarinda, Iowa, five shares	250
4. Chas. G. Comstock, Albany, Mo., three hundred shares	15,000
5. P. Markey, Chillicothe, Mo., one hundred shares	5,000
6. L. D. Murphy, Chillicothe, Mo., one hundred shares	5,000
7. J. H. Hammond, Chillicothe, Mo., three hundred shares	15,000
8. Charles P. Choteau, St. Louis, Mo., two hundred shares	10,000
9. E. W. Samuels, St. Louis, Mo., one hundred shares	5,000
10. Charles V. Meade, Chillicothe, Mo., two hundred shares	10,000
11. W. C. Stewart, Gallatin, Mo., five shares	250
12. D. H. Solomon, Glenwood, Iowa, one hundred shares	5,000
13. James B. Bell, Chillicothe, Mo., two hundred shares	10,000

5 5 U. S. Rev. Stamp.	5 5 U. S. Rev. Stamp.	5 5 U. S. Rev. Stamp.
J. H. H., J. B. B.,	18 June,	1867.
5 5	5 5	5 5

STATE OF MISSOURI, } ss:
County of Livingston, }

We, the undersigned directors of the St. Louis, Chillicothe & Omaha Railroad Company, do solemnly swear that at least one thousand dollars of stock for every mile of railroad proposed
382 by the within articles to be made has been subscribed and at least five per cent. paid thereon in good faith to the directors thereof, and that it is intended in good faith to construct or maintain and operate the road mentioned in the said articles of association.

J. H. HAMMOND.
PETER MARKEY.
CHAS. G. COMSTOCK.

Subscribed and sworn to this eleventh day of July, A. D., 1868.
[SEAL.] CHAS. V. MEAD,
Notary Public.

5	U. S. Rev. Stamp. July 11, 1868.	5
5	C. V. M.	5

Filed July 14th, 1868.

FRANCIS RODMAN,
Secretary of State.

STATE OF MISSOURI, } ss:
Livingston County, }

John H. Hammond, being duly sworn, says that he is president of the Chillicothe & Omaha Railroad Company, which road begins at the city of Chillicothe, Mo., and terminates at the city of Omaha, Nebraska; that prior to the fourth day of June, 1869, the name of said railroad company was the St. Louis, Chillicothe & Omaha Railroad Company, but on that day, at a meeting of the stockholders of said company, held at the office of the company in Chillicothe, Mo., the name of said company was changed by the vote of said stockholders to the Chillicothe & Omaha Railroad Company.

Chillicothe, June 18th, 1869.

J. H. HAMMOND,
Pre'd't C. & O. R. R. Co.

Resp'y forwarded to the sec'y of state under the authority & discretion of sec. I of chapter 62, Rev. Statutes.

J. H. HAMMOND, *Pres'd't.*

Sworn to and subscribed before me this 19th day of July, 1869.
383 [SEAL.] L. D. MURPHY,
Notary Public.

Filed June 25th, 1869.

FRANCIS RODMAN,
Sec'y of State.

(2.) On the 3rd day of May, 1870, a petition was filed in the county court of Livingston county. On the same day that court made an order of election, and on the 25th day of May, 1870, a modification of said order. Said petition, order, and modified order are as follows:

To the hon. county court of Livingston county, State of Missouri:

The undersigned, your petitioners, tax-payers and residents of the municipal township of Chillicothe, in the county of Livingston, State of Missouri, respectively present to this hon. body that we as a township desire to subscribe fifteen thousand ($15,000) dollars to the capital stock of the Chillicothe & Omaha Railroad Company, subject to the following conditions:

1st. Payment of said subscription to be made in bonds of Livingston county (issued in accordance with the law regulating subscriptions by municipal townships to railroad companies), at par; said bondsto be payable fifteen years from the first day of July, 1870, and bearing interest at the rate of eight per cent. per annum, payable semi-annually.

2nd. The bonds to be issued to said company when it shall have continuously graded its road-bed on or near its present located survey from the city of Chillicothe to the western boundary of Livingston county.

	Chas. V. Meade.	J. T. Johnson.
	Wm. S. Bird.	Ruben Barney.
	James Leeper.	R. C. Regnix.
	E. S. Poindexter.	T. D. Carpenter.
	T. N. Murray & Co.	S. M. Williams.
	Dunn & Daly.	Andrew Leeper.
	T. B. Yates.	George W. Warder.
	Rice, Torrey & Co.	C. A. Hoffman.
384	R. Boales.	E. Lyman.
	J. A. Trumbo.	L. S. Bearn.
	M. L. McGuire.	Hen. Button.
	M. M. Newland.	W. S. Newman.
	C. Caston.	David Westfall.
	A. Henry.	H. T. Woodford.
	S. E. Bouce.	Graham Odle.
	G. P. Pepper.	T. K. Fletcher.
	W. H. Mead.	J. H. Odle.
	W. S. Davis.	R. L. Seay.
	R. C. Carr.	M. H. Smith.
	J. B. Kirk.	W. T. Manning.
	Garrison Harker.	Benj. F. Berry.
	Geo. W. Estep.	Edward Gudgell.
	Geo. Brifle.	Wm. D. McGuire.
	Rob't S. Moore.	C. M. Merriweather.
	L. D. Murphy.	S. C. Bernard.
	John Giltner.	Luther T. Collier.
	H. J. Bivell.	T. R. Bryan.
	Wm. McSlurath.	W. L. Anderson.
	C. A. Harrison.	R. D. Brezendieu.
11—1204	Jo. Powell.	

In the county court of Livingston county, State of Missouri, held on the 3d day of May, A. D. 1870, it being the May term of said court—present: The Hon. Carlile Curtiss, pres't; Judges Anthony Rogers and Nathaniel Matson, associate judges—when, among others, the following proceedings were had, to wit:

Whereas sixty-one (61) tax-payers and residents of Chillicothe, municipal township of the county of Livingston, State of Missouri, have petioned the county court of this county setting forth
385 their desire as a township to subscribe fifteen thousand dollars to the capital stock of the Chillicothe & Omaha Railroad Company, upon the conditions that the payment of the said subscription be made in bonds of Livingston county, issued in accordance with law regulating subscriptions by municipal townships to railroad companies, at par: said bonds to be payable fifteen years from the first day of July, 1870, and bearing interest at the rate of eight per cent. per annum, payable semi-annually, and that said bonds are to be issued to said company when it shall have continuously graded its road-bed on or near its present located survey from the city of Chillicothe to the western boundary of Livingston county:

It is therefore ordered that an election be held at the usual place of voting in said township, Chillicothe election district, Friday, the twenty-seventh day of May, A. D. 1870, to determine if such subscription shall be made.

At said election the voters assenting to said subscription shall have written or printed with ink on their respective ballots the words "For the subscription to the Chillicothe & Omaha Railroad Company," and those against said subscription shall have written or printed with ink on their respective ballots the words "Against the subscription to the Chillicothe & Omaha Railroad Company."

I, J. R. Middleton, clerk of the county court, do hereby certify that the above and foregoing is a true copy of the record of the county court of the aforesaid county and State as it appears of record on file in my office, Record D, page 141.

In testimony whereof I have hereunto set my hand and affixed the seal of the county court at office in Chillicothe, this ninth day of May, 1882.

[Seal of Livingston County Court.]

J. R. MIDDLETON, *Clerk.*

386 In the county court of Livingston county, State of Missouri, held on the 25th day of May, A. D. 1870—present: Hon. Carlile Curtiss, president; Nathaniel Matson and Anthony Rogers, associate judges—when, among others, the following proceedings were had, to wit:

Ordered, That the order made by this court on the 3d day of May, A. D. 1870, in relation to the subscription by Chillicothe township of fifteen thousand ($15,000) dollars to the capital stock of the Chillicothe & Omaha Railroad company be modified so as to read as follows, to wit:

Whereas sixty-one (61) tax-payers and residents of Chillicothe municipal township, of the county of Livingston and State of Mis-

souri, have petitioned the county court of this county setting forth their desire as a township to subscribe twelve thousand ($12,000) dollars to the capital stock of the Chillicothe & Omaha Railroad Company upon the conditions that the payment of said subscription be made in bonds of Livingston County, issued in accordance with the law regulating subscriptions by municipal townships to railroad companies at par; said bonds to be payable fifteen (15) years from the first (1st) day of July, 1870, and bearing interest at the rate of eight (8) per cent. per annum, payable semi-annually, and that said bonds are to be issued to said company when it shall have continuously graded, tied, and ironed on or near its present located survey from the city of Chillicothe to the western boundary of Livingston county:

It is therefore ordered that an election be held at the usual place of voting, in said township, Chillicothe election district, Friday, the twenty-seventh (27) day of May, 1870, to determine if such subscription shall be made.

At said election the voters assenting to said subscription shall have written or printed with ink on their respective ballots the words

387 "For the subscription to the Chillicothe & Omaha Railroad Company," and those against said subscription shall have written or printed with ink on their respective ballots "Against the subscription to the Chillicothe & Omaha Railroad Company."

STATE OF MISSOURI, }
County of Livingston, } *ss:*

I, J. R. Middleton, clerk of the county court of the county and State aforesaid, certify that the above and foregoing is a true copy of the record of the county court of the State and county aforesaid, as the same appears on file in my office—Record D, page 170.

In testimony whereof I hereunto set my hand and affix the seal of the county court at office in Chillicothe this 9th day of May, A. D. 1882.

[Seal of Livingston County Court, Missouri.]

J. R. MIDDLETON, *Clerk.*

(3.) An election was held in Chillicothe township, in said county, on the 27th day of May, 1870, and on the 30th day of May, 1870, the votes cast at said election were duly canvassed and an abstract thereof made and entered of record as follows:

Abstract of all the votes cast in Chillicothe election district at the election held on the 27th day of May, 1870, to test the sense of the qualified voters of Chillicothe municipal township, in Livingston County, Mo., as to the propriety of the county court of the aforesaid county subscribing for and in the name of Chillicothe municipal township twelve thousand ($12,000) dollars to the capital stock of the Chillicothe & Omaha Railroad Company.

Chillicothe election district: For the subscription of twelve thousand dollars to the capital stock of the Chillicothe & Omaha Rail-

road Company, 320; against the subscription of twelve thousand dollars to the capital stock of the Chillicothe & Omaha Railroad Co., 50.

We, the undersigned, Carlile Curtis, president of the county court, and Lucien Gordon, justice of the peace, both of the county of Livingston, State of Missouri, having been called by the clerk of
388 the county court to assist in counting or to cast up the vote given at the special election held on the 27th day of May, A. D. 1870, to test the sense of the people of Chillicothe municipal township as to the propriety of the county court subscribing for Chillicothe municipal township twelve thousand dollars to the capital stock of the Chillicothe & Omaha Railroad Company, do hereby certify that we have carefully examined the poll books of Chillicothe election district and find that the above abstract is correct as to the number of votes cast for and against said subscription.

Witness our hands & seals this 30th day of May, A. D. 1870.

CARLILE CURTIS,
President Co. Court.
LUCIEN GORDON,
Justice of the Peace.

Attest:
JOHN DESHA, *Co. Clerk.*

A true copy of the election record now on file in my office.

In testimony whereof I hereunto set my hand and affix the seal of the county court of Livingston county, State of Missouri, at office in Chillicothe, this 9th day of May, 1882.

[Seal of Livingston County Court, Missouri.]

J. R. MIDDLETON, *Clerk.*

(4.) On the 23rd of September, 1870, there were filed in the office of the secretary of state of Iowa articles of incorporation which had on September 13th, 1870, been filed in the office of the recorder of Pottawatamie county, Iowa, and which are as follows:

St. Louis, Council Bluffs and Omaha R. R. Co. Incorporation in Iowa. Articles of association for the incorporation of the St. Louis, Council Bluffs and Omaha Railroad Company.

We whose names are hereto subscribed do hereby form ourselves into a body corporate in conformity to chapter (52) fifty-
389 two of title (10) ten and other laws of Iowa, as appear by the revision of 1860, with all the powers, rights and privileges granted and conferred by existing laws of said State of Iowa, and we adopt the following articles of incorporation:

The name and style of the corporation hereby created shall be the St. Louis, Council Bluffs and Omaha Railroad Company in Iowa.

The general nature of the business of said corporation shall — the construction and operation of a railroad with single or double track and all the usual and necessary appendages, appurtenances, branches, equipments, connections, extensions, side tracks, depots, and all necessary franchises and emoluments.

The main line of said railroad shall extend from and form within the city of Council Bluffs, in the State of Iowa, and from such other point adjacent to the eastern terminis of the Union Pacific railroad, on the banks of the Missouri river, as the board of directors may hereafter designate; thence in a southwestwardly direction to the State line, between the States of Iowa and Missouri, at a point where the Chillicothe & Omaha railroad shall reach said State line, and in the event of the consolidation of this company and corporation with the said Chillicothe & Omaha Railroad Company, a company incorporated under the general laws of the State of Missouri, then, in connection with the last-mentioned railroad, to form a continuous line of railroad from the city of Omaha, in the State of Nebraska, and the city of Council Bluffs, in the State of Iowa, to the city of St. Louis, in the State of Missouri; and the board of directors of the corporation hereby created shall have the power at any time, when the same can be lawfully done, to consolidate this corporation with the Chillicothe & Omaha railroad, in Missouri, aforesaid, and this corporation shall have, hold, and by its board of directors exercise all the powers, rights, privileges, and franchises granted and
390 conferred by the laws of the State of Iowa, revision of A. D. 1860, and of all laws amendatory thereof and supplemental thereto.

The capital stock of this association (corporation) shall be five millions of dollars (5,000,000), which shall be divided into shares of fifty dollars each, to be issued, subscribed, taken, or sold, as the board of directors may deem expedient for the best interests of the corporation.

The capital stock may be increased or diminished at any time by the board of directors with the consent of a majority of the stockholders whenever the interests of the corporation will be promoted thereby.

Subscriptions for the capital stock of this corporation, when not subscribed on other special conditions, which are to be accepted and approved by the board of directors, shall be paid as follows: Five per cent., payable at the time of subscription, and the balance on call by the board, all calls being equal on all stock & not exceeding ten per cent. called in each thirty days. Every person owning one share or more of the capital stock shall be a member of this corporation and shall be entitled in all elections by stockholders to one vote for each share of stock which may be cast by the owner in person or by his proxy duly appointed in writing.

The corporate existence of the corporation shall commence at the time of the filing of these articles of association for record in the office of the recorder of deeds of the county of Pottawatamie, in the State of Iowa, and shall endure fifty years thereafter: Provided, The same may be renewed, from time to time, for periods within the limitations of existing laws of the State of Iowa.

The business and affairs of the company hereby organized shall be conducted and managed by a board of directors, consisting of thirteen stockholders, who shall be elected annually by the
391 stockholders at such time and place as the board of directors

may order: Provided, That vacancies may be filled for the remainder of a term by the remaining directors.

The highest amount of indebtedness or liability to which the corporation may subject itself, by contract, shall not exceed three million dollars, but, in the event of the consolidation of the corporation with the Chillicothe and Omaha Railroad Company in Missouri, * * * the company into which the two companies shall be consolidated shall have the power to subject the said corporation to such amount of indebtedness or liability as the board of directors may deem necessary, not exceeding, however, six million five hundred thousand dollars for the consolidated company.

The private property of stockholders and directors shall never in any event be liable for the corporate debts of this corporation, and such private property shall be exempt from corporate debts.

The company shall have a lien upon the stock of any member or subscriber for any unpaid assessments or call thereon, and the board of directors may, whenever a stockholder is in arrears for thirty days or more, order and have sold to the highest bidder all the stock of such stockholder and transfer the same to the purchaser: Provided, That notice be given for ten days prior to such sale in some newspaper printed and published in Council Bluffs, Iowa; or the board of directors may by resolution entered on record forfeit and cancel such stock, and thereafter the subscriber shall have no claim on the company for stock or on account of any previous payments that may have been made at their option.

The board of directors may sue for and recover all such unpaid assessments or subscriptions for stock.

For the payment of debts or to aid in the construction or equipment of said railroad the board of directors may, on such terms
392 as may be deemed best for the interest of the company, issue, sell, and dispose of common or preferred stock in this corporation, and may make the preferred stock draw interest or otherwise as may be deemed best: Provided, That such preferred stock shall not be issued to draw a greater rate of interest than eight per cent. per annum.

The board of directors shall have power to borrow money and make notes or bonds of the company therefor on such time and at such rate of interest as may be deemed for the advantage of the company, and may secure the same by mortgage or deeds of trust upon the railroad bed, right of way, and all other property of the company.

The following persons shall constitute the first board of directors: Granville M. Dodge, Wm. F. Glidden, Edward Creighton, James F. Wilson, Barton Bates, Jas. B. Eads, Jas. S. Rollins, Chas. R. Dickson, John G. Copelin, J. H. Hammond, John Jackson, C. G. Comstock, J. H. Button, a majority of whom shall constitute a quorum for business.

The above directors shall hold office until their sucessors are duly qualified, and shall possess and exercise all the powers necessary to carry out the objects of the corporation.

These articles may be changed by the unanimous consent of the board of directors or they may be changed by the vote of the

majority of the stockholders in interest at any general or special meeting: Provided, Three weeks' notice be given of such proposed change in such manner as may be required for notices in the by-laws of the company.

These articles of association for the objects and purposes aforementioned are agreed to by the undersigned and they are ordered to be filed for record as required by law.

Witness our hands and seals this — day of —, A. D. 1870.

	Names.	Names.
	G. M. Dodge.	Chas. Tausig, Sr.
393	Edward Creighton.	Wm. Tausig.
	James F. Wilson.	James S. Rollins.
	Barton Bates.	Chas. K. Dickson.
	James B. Eads.	J. H. Hammond.
	John Jackson.	C. G. Comstock.
	J. M. Britton.	Geo. Lionberger.

STATE OF IOWA, } *ss:*
Pottawattamie County, }

I, George N. Haynes, county recorder of said county, do hereby certify that the above and foregoing articles of incorporation of the St. Louis, Council Bluffs & Omaha Railroad Company is a full, true, and complete transcript from the records of said county as the same appears recorded in book No. 27, page 621, and further that the same was filed for record September 13th, 1870, at 12 o'cl'k m.

Witness my hand officially this 20th day of September, A. D. 1870.

GEO. N. HAYNES, *Recorder.*

STATE OF IOWA:

Filed for record in the office of secretary of state September 23rd, 1870, and recorded in book D, pages 189–193.

ED. WRIGHT,
Secretary of State.

STATE OF IOWA:

OFFICE OF THE SECRETARY OF STATE.

I, J. A. T. Hull, secretary of state of the State of Iowa, hereby certify the foregoing to be a full, true, and complete copy of the articles of incorporation of the St. Louis, Council Bluffs & Omaha Railroad Company as appears from the records of this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at Des Moines this 18th day of August, A. D. 1882.

[GREAT SEAL.]

J. A. T. HULL,
Secretary of State.
W. T. HAMMOND, *Deputy.*

394 (5.) On the 7th day of October, 1870, there were filed in the office of the secretary of state of Missouri articles of consolidation as follows:

Copy of the resolution of consolidation passed by the board of directors of the Chillicothe & Omaha Railroad Company in obedience to instructions given by more than three-fourths of the stock of the said railroad company at a meeting at the office of the Co. held at St. Louis, Sept. 20th, 1870.

Whereas the stockholders of this company did instruct the board of directors to effect a consolidation of the St. Louis, Council Bluffs & Omaha Railroad Company of Iowa by resolution, as follows:

Here find a copy of said resolutions attached and marked "A."

Now, therefore, be it resolved, That the president be directed to execute in the name of the company as an agreement between the two companies the following articles:

Here find a copy of said articles of consolidation, marked "B."

The same, when executed by the two companies by their president, and approved by the stockholders representing three-fourths of the stock of the two companies, to be in full force as the articles of consolidation under which both companies shall hereafter act as one organized consolidated corporate body.

Unanimously adopted and then approved by more than three-fourths of all the stock in the company.

I hereby certify that the foregoing is a true copy of the resolutions passed by the board of directors for the purpose of adopting articles of consolidation.

J. H. HAMMOND,
Pres'd't Chillicothe & Omaha Railroad Co.

395 J. B. F. SAMPSEL,
Ass't Sec'y.

Filed October 7th, 1870.

FRANCIS RODMAN,
S'y of State.

"A."

ST. LOUIS, COUNCIL BLUFFS & OMAHA RAILROAD,
OFFICE OF THE PRESIDENT,
CHILLICOTHE, MO., *Oct.* 3*d*, 1870.

At a meeting of the stockholders of the Chillicothe & Omaha Railroad Company in Saint Louis, Sept. 20th, 1870, all the stock of the company being present thereat, the following resolution was adopted:

Resolved, That the board of directors of this company be, and are hereby directed to effect a consolidation of this company with the the St. Louis, Council Bluffs & Omaha Railroad Company, of the State of Iowa, in such a manner as in their judgment shall be most *conclusive* to the interests of this; — and full power is hereby given to the board of directors to effect said consolidation, and to do whatever may be necessary to carry out the purpose of this resolution, as fully as the same may be done under the laws of the State of Iowa and the State of Missouri.

I hereby certify that the above resolution was passed by the stockholders, assembled as above stated, unanimously.

J. H. HAMMOND, *Pres'd't.*

——— ———, *Ass't Sec'y.*

Filed October 7th, 1870.

FRANCIS RODMAN,
Sec'y of State.

"B."

Articles of Consolidation.

Articles of consolidation, made and entered into this 20th day of September, A. D. 1870, by and between the Chillicothe & Omaha Railroad Company, of the State of *Michigan*, party of the first part, and the St. Louis, Council Bluffs & Omaha Railroad Company, party of the second part.

Whereas the said party of the first part is a body corporate and politic, organized and existing under and in pursuance of the laws of the State of Missouri, and as such is empowered by its
396 articles of association and organization to survey, mark, locate, construct, maintain, and operate a railroad from the city of Chillicothe, in the State of Missouri, to a point on the boundary line of the States of Iowa and Missouri, in the direction of Omaha, in the State of Nebraska, which railroad is now in the course of construction;

And whereas the party of the second part is a body corporate and politic, organized and existing under the laws of the State of Iowa, and as such is empowered to construct, operate, and use a railroad from and from within the city of Council Bluffs, in Iowa, or from such other point adjacent to the eastern terminus of the Union Pacific railroad on the banks of the Missouri river as the board of directors may hereafter designate, thence in a southeastwardly direction to the State line between the States of Iowa and Missouri at a point where the Chillicothe & Omaha Railroad shall reach said State line;

And whereas the said companies are authorized and empowered by the laws of the *of said* of Missouri and Iowa to consolidate their property, stock, and franchises so as to form one corporation with a continuous line of railroad;

And whereas said parties of the first and second parts have mutually agreed and do hereby mutually agree to consolidate their respective property, stock, and franchises and merge and consolidate the said two companies into one for the purpose of constructing, owning, maintaining, using, and operating a continuous line of railroad from the city of Omaha, in Nebraska, and the city of Council Bluffs, in Iowa, to the city of Chillicothe, in Missouri, under the name of the St. Louis, Council Bluffs & Omaha Railroad Company;

And whereas the terms and conditions of such consolidation have been and are set forth in certain resolutions of the board of directors of said several companies passed at meeting held
397 for that purpose on the nineteenth and twentieth days of September, A. D. 1870;

And whereas the terms and provisions of such consolidation have been approved, ratified, and confirmed and consented to by the holders and owners of three-fourths of the stock of each of said railroad companies, which said contract is in writing, signed by said stockholders and filed in the offices of the respective companies:

Now, therefore, these presents witness that the said parties of the first and second parts, in consideration of the mutual execution of these presents, do hereby merge and consolidate said two respective companies, their property, stock, and, franchises, into one consolidation corporation, to be hereafter called, and which is hereby declared to be, St. Louis, Council Bluffs & Omaha Railroad Company, and by that name shall be a body corporate and politic, and have a common seal; may contract and be contracted with, sue and be sued, plead and be impleaded, and possess all the powers, franchises and immunities, property rights, privileges, and estate which are now held and enjoyed by said parties of the first and second parts respectively under and by virtue of their several articles of association and incorporation and under and by virtue of the laws of said States of Iowa and Missouri, respectively, in consideration of the mutual covenants and agreements herein contained, have granted, bargained, sold, remised, released, conveyed, and confirmed, and do grant, bargain, sell, remise release, convey, and confirm, unto the said consolidated company, St. Louis, Council Bluffs & Omaha Railroad Company, all and singular their several and respective railroads, lands, lots, rights of way, stations, bridges, structures, grades, and tracks, cars, locomotives, and other rolling-stock, furniture, tools, machinery, fuel, timber, stone, iron, and all other materials
398 and property, and all and singular their several and respective bonds, bills, notes, accounts, demands, moneys, rights, and credits and things in action, and all and singular their stock, subscriptions, and franchises, immunities, and corporate rights and privileges; to have and to hold the same, and all and every part and parcel thereof, unto the said consolidated company, St. Louis, Council Bluffs & Omaha Railroad Company, its successors and assigns, forever, to and for its own use, benefit, and behoof, to all *interests* and purposes.

And the said parties of the first and second parts respectively do, in consideration of the premises, mutually covenant and agree that all and singular the debts, obligations, and liabilities of the said consolidated company and its successors forever, and that all and singular the bonds, deeds, certificates, and other writings, and the contracts and acts of each of said parties of the first and second parts shall continue in full force, virtue, and effect as the proper bonds, deeds, certificates, writings, contracts, and acts of the said consolidated company, without any surrender, change, or renewal, and that all the stockholders of the said parties of the first and second parts respectively shall be henceforth stockholders of the said consolidated company in like amounts and with the like rights and liabilities between them severally and the said consolidated company as now exist between them severally and the said parties of the first and second parts, respectively.

It is further mutually agreed and convenanted that the said consolidation shall take effect and be in force immediately upon the execution of these presents, and that the board of directors of said consolidated company, hereinafter provided for, shall carry the said consolidation in effect and operation by all the necessary acts for that purpose. Said parties of the first and second parts, respectively, do hereby further grant, bargain, declare, and agree:

First. That the board of directors of said consolidated company shall consist of thirteen members, to be chosen immediately on the execution of these presents from among the stockholders of
399 said consolidated company by the stockholders of said consolidated company, which said board of directors so chosen shall be and remain the board of directors of said consolidated company until their successors are duly elected and qualified, as hereinafter provided, and shall enact such by-laws for the government of the affairs of the company and for the election of officers as the interest of the company may demand, and may adopt such corporate seal as they may deem proper, and be vested with all the corporate powers of said consolidated company.

Second. The board of directors shall at their first meeting — a day for the regular annual meeting and election of the board of directors and the place for holding the same, and the regular meetings of the said consolidated company shall be otherwise provided by the by-laws of the company held at the office of the North Mo. Railroad Company, in St. Louis, Missouri. Special meetings of the stockholders may be called by a majority of all the directors of said consolidated company at such times and places as they may appoint, and the board of directors of said consolidated company may fill all vacancies in their board for the balance of the term of office so vacant.

Third. The capital stock of said consolidated company shall be six million of dollars, and the same may be increased by a vote of the board of directors of said consolidated company to such amount as, in their judgment, the best interests of said company demand, which said stock may be issued to subscribers therefor, and to contractors in payment for the construction of said line of railroad.

Fourth. The certificates of stock in either of the companies, parties of the first and second parts respectively, shall be returned and surrendered, and new certificates of the consolidated company
400 shall be divided into shares of one hundred dollars each, and no new certificates shall issue for less than one share, and also provided that said new certificates shall be made subject to the same liability for unpaid installments as those for which they shall be respectively exchanged.

Fifth. Said consolidated company may, for the purpose of carrying on its said enterprise, issue its bonds secured by mortgage or deed of trust, road, road-bed, right of way, franchises, equipment, and other property to an amount not exceeding six millions of dollars, and sell the same at such rates as shall be deemed expedient, and may make such bonds or any part or class thereof convertible into stock at the option of the several holders thereof.

In witness whereof the said parties of the first and second parts, respectively, have caused these presents to be made under their respective corporate seals, and to be signed by the president and secretary of each company this twentieth day of September, A. D. 1870.

J. H. HAMMOND, *President,*
J. B. F. SAMPSEL, *Secretary,*
Chillicothe and Omaha Railroad Company.
JOHN JACKSON, *President,*
CHARLES TAUSIG, *Secretary,*
St. Louis, Council Bluffs & Omaha Railroad Co.

I hereby certify that the above is a true copy of the original articles of consolidation and agreement adopted by the consolidated company.

[SEAL.] J. H. HAMMOND,
President.
J. B. F. SAMPSEL,
Ass't Secretary.

Filed October 7th, 1870.

FRANCIS RODMAN,
S'y of State.

STATE OF MISSOURI, *ss:*

I, Michael K. McGrath, secretary of state of the State of Missouri, hereby certify that the annexed pages contain a full, true, and complete copy of the resolutions and articles of consolidation of the Chillicothe & Omaha Railroad Company, of Missouri, and the St. Louis, Council Bluffs & Omaha Railroad Company, of Iowa, under the name of the St. Louis, Council Bluffs, Omaha Railroad
401 Company, filed October 7th, 1870, as the same appears on file and of record as the ——— directs in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Missouri. Done at office in the city of Jefferson, this fourteenth day of August, A. D. 1882.

[SEAL.] MICHAEL K. McGRATH.

(6). On the 19th day of December, A. D. 1870, there was filed in the office of the secretary of state of Iowa articles of consolidation as follows:

Chillicothe & Omaha R. R. and St. Louis, Council Bluffs & Omaha R. R. Cos.

OFFICE OF THE CHILLICOTHE &
OMAHA RAILROAD COMPANY,
ST. LOUIS, MO., *Sept. 20th,* 1870.

On the call of the chairman, the stockholders of the Chillicothe and Omaha railroad met, Judge Peter Bear in the chair.

J. H. Hammond, pres'd't of the Chillicothe & Omaha Railroad Company, presented the following report:

MR. CHAIRMAN AND GENTLEMEN: I beg leave to report that in obedience to a resolution of the stockholders of this company, direct-

ing the directors of the company to effect a consolidation with the St. Louis, Council Bluffs & Omaha Railroad Company, of Iowa, I have, in obedience to a resolution of said directors, executed with the president of the said St. Louis, Council Bluffs & Omaha Railroad Company the articles hereto attached as the contract and agreement of consolidation of the said two companies.

All of which is respectfully submitted for your approval.

J. H. HAMMOND,
Pres'd't C. & O. R. R. Co.

J. H. Britton offered a resolution, seconded by William Tausig, that the report of the president of the railroad company be
402 accepted, including the articles of agreement and consolidation, and that the stockholders be invited to give their consent in writing, which was unanimously agreed to.

Moved by J. H. Hammond that the secretary prepare a resolution for the stockholders to sign and that he be directed to file away the proxies presented for stockholders. Seconded by J. H. Britton and carried.

On motion of J. H. Davis for John Ballinger, the township of Gallatin and Barton township were allowed to vote the same as the county of Daviess, through Judge Peter Bear, pres't and agent, seconded by Barton Bates, and carried.

Articles of Consolidation.

Articles of consolidation made and entered into this 20th day of September, A. D. 1870, by and between the Chillicothe & Omaha Railroad Company, of the State of Missouri, party of the first part, and the St. Louis, Council Bluffs & Omaha Railroad Company, party of the second part.

Whereas the said party of the first part is a body corporate and politic, organized and existing under and in pursuance of the laws of the State of Missouri, and as such is empowered by its articles of association and organization to survey, mark, locate, construct, maintain, and operate a railroad from the city of Chillicothe, in the State of Missouri, on the boundary line of the States of Iowa and Missouri, in the direction of Omaha, in the State of Nebraska, which railroad is now in the course of construction; and

Whereas the said party of the second part is a body politic and corporate, organized and existing under the laws of the State of Iowa, and as such is empowered to construct, operate, and use a railroad from within the city of Council Bluffs, in Iowa, or from such other point adjacent to the eastern terminus of the Union Pacific railroad on the banks of the Missouri river as the
403 board of directors may hereinafter designate, thence in a southeastwardly direction to the State line between the States of Iowa and Missouri at a point where the Chillicothe & Omaha railroad shall reach said State line; and

Whereas the said companies are authorized and empowered by the laws of the State- of Missouri and Iowa to olidatecons their prop-

erty, stock, and franchises so as to form one corporation with a continuous line of railroad; and

Whereas said parties of the first and second parts have mutually agreed and do hereby mutually agree to consolidate their property, stock, and franchises into one, for the purpose of constructing, owning, maintaining, using, and operating a continuous line of railroad from the city of Omaha, in Nebraska, and the city of Council Bluffs, in Iowa, to the city of Chillicothe, in Missouri, under the name of St. Louis, Council Bluffs & Omaha Railroad Company; and

Whereas the terms and conditions of such consolidation have been, and are, set forth in certain resolutions of the board of directors of the said several companies passed at meeetings held for that purpose on the nineteenth and twentieth days of September, A. D. 1870; and

Whereas the terms and provisions of such consolidation have been approved, ratified, confirmed, and assented to in writing, signed by said stockholders and filed in the offices of the respective companies:

Now, therefore, these presents — that the said parties of the first and second parts, in consideration of the mutual execution of these presents, do hereby merge and consolidate said two respective companies, their property, stock, and franchises, into one consolidated corporation to be hereafter called and which is hereby declared to be St. Louis, Council Bluffs & Omaha Railroad Company, and by that name shall be a body politic and corporate and have a common seal, may contract and be contracted with, sue and be sued, plead and be impleaded, and possess all the powers, franchises,
404 immunities, property rights, privileges, and estate which are now held and enjoyed by said parties of the first and second parts respectively, under and by virtue of their several articles of association and incorporation, and under and by virtue of the laws of the said States of Iowa and Missouri respectively.

And the said parties of the first and second parts respectively, in consideration of the mutual covenants and agreements herein contained, have granted, bargained, sold, remised, released, conveyed, and confirmed, and do hereby grant, bargain, sell, remise, release, convey, and confirm unto the said consolidated company, St. Louis, Council Bluffs & Omaha Railroad Company, all and singular, their several and respective railroads, lands, lots, rights of way, stations, bridges, structures, grades and tracks, cars, locomotives, and other rolling-stock, furniture, tools, machinery, fuel, timber, stone, iron, and all their materials and property, and all and singular their several and respective bonds, bills, notes, accounts, demands, moneys, rights and credits and things in action, and all and singular their stock subscriptions and franchises, immunities, and corporate rights, and privileges, to have and to hold the same, and all and every part and parcel thereof, unto the said consolidated company, its successors and assigns, forever, to and for its own use, benefit, and behoof, to all intents and purposes.

And the said parties of the first and second parts respectively do, in consideration of the premises, mutually covenant and agree that all and singular the debts, obligations, and liabilities of

every kind whatsoever from and after the execution of these presents shall be and are the proper debts, obligations, and liabilities of the said consolidated company and its successors forever, and that all and singular the bonds, deeds, certificates, and other writings, and the contracts and acts of the said parties of the first and second parts shall continue in full force, virtue, and
405 effect as the proper bonds, deeds, certificates, writings, contracts, and acts of the said consolidated company, without any surrender, change, or renewal, and that all the stockholders of the said parties of the first and second parts respectively shall be henceforth stockholders of the said consolidated company in like amounts and with the like rights and liabilities between them severally and the said consolidated company as now exist between them severally and the said parties of the first and second parts respectively.

It is further mutually agreed and covenanted that said consolidation shall take effect and be in force immediately upon the execution of these presents, and that the board of directors of said consolidated company, hereinafter provided for, shall carry the said consolidation into effect and operation by all the necessary acts for that purpose.

Said parties of the first and second parts, respectively, do hereby further grant, bargain, declare, and agree:

First. That the board of directors of said consolidated company shall consist of thirteen members, to be chosen immediately on the execution of these presents from among the stockholders of said consolidated company, by the stockholders of said consolidated company, which said board of directors so chosen shall be and remain the board of directors of said consolidated company until their successors are duly elected and qualified, as hereinafter provided, and shall enact such by-laws for the government of the affairs of the company and for the election of officers as the interests of the company may demand, and may adopt such corporate seal as they deem proper, and be vested with all the corporate powers of said consolidated company.

Second. The board of directors shall at their first meeting appoint a day for the regular annual meeting and election of directors and the place for holding the same, and the regular meetings of the said consolidated company shall be, until otherwise provided
406 by the by-laws of the company, held at the office of the North Mo. Railroad Company in St. Louis, Mo. Special meetings of stockholders may be called by a majority of all the directors of the consolidated company at such times and places as they may appoint and the board of directors of said consolidated company at such times and places as they may appoint, and the board of directors of said consolidated company may fill all vacancies in their board for the balance of the term of office vacant.

Third. The capital stock of said consolidated company shall be six millions of dollars, and the same may be increased by a vote of the board of directors of said consolidated company to such amount as, in their judgment, the best interests of said company demand, which

said stock may be issued to subscribers therefor and to contractors in the payment for construction of said line of railroad.

[Fourth.] The certificates of stock in either of the companies, parties of the first and second parts respectively, shall be returned and surrendered, and new certificates of the consolidated for a like amount issue therefor, provided that the stock of said consolidated company shall be divided into shares of one hundred dollars each, and no new certificates shall issue for less than one share, and also provided that said new certificate shall be made subject to the same liability for unpaid installments as those for which they shall be respectively exchanged.

Fifth. Said consolidated company may, for the purpose of carrying on its said enterprise, issue its bonds, secured by mortgage or deed of trust upon its road, road-bed, right of way, franchises, equipments, and other property to an amount not exceeding six millions of dollars, and sell the same at such rates as shall be deemed expedient, and may make such bonds or any part or class thereof convertible into stock at the option of the several holders thereof.

407 In witness whereof the said parties of the first and second parts respectively have caused these presents to be made under their respective corporate seals and to be signed by the president and secretary of each company, this twentieth day of September, A. D. 1870.

J. H. HAMMOND, *President*,
[SEAL.] J. B. F. SAMPSEL, *Secretary*,
Chillicothe & Omaha Railroad Company.

JOHN JACKSON, *President*,
[SEAL.] CHAS. TAUSSIG, *Secretary*,
St. Louis, Council Bluffs & Omaha Railroad Co.

Resolved, That we hereby approve of and ratify fully and completely as our own act the articles of consolidation as reported to us by the president, and we hereby attest our approval by signing this our resolution.

J. H. BRITTON, proxy J. B. BELL, by J. H. H.
CHAS. TAUSSIG, " C. V. MEADE, by J. H. H.
JOHN JACKSON, " HAGGERTY & CO., by J. H. H.
BARTON BATES, " THOS. L. SHARP, by J. H. H.
WM. TAUSSIG, " C. G. COMSTOCK, by J. H. H.
J. H. HAMMOND.

Proxies as above herewith filed and of record, county of Daviess, State of Missouri, by Peter Bear, agent and com.

D. Harfield Davis, proxy for John Ballenger.

It having been ascertained that more than three-fourths of the stock of the company had agreed to the articles of consolidation hereto attached, they were unanimously adopted. On motion of Barton Bates, seconded by William Taussig, the meeting then adjourned *sine die*.

J. B. F. SAMPSEL, *Secretary*.

Filed for record in the office of the secretary of state December 19th, 1870.

ED. WRIGHT,
Secretary of State.

408 STATE OF IOWA :

OFFICE OF THE SECRETARY OF STATE.

I, J. A. T. Hull, secretary of state of the State of Iowa, hereby certify the foregoing to be a true and correct copy of the articles of consolidation of the Chillicothe & Omaha Railroad Company with the St. Louis, Council Bluffs & Omaha Railroad Company as appears from the records of this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at Des Moines this 18th day of August, A. D. 1882.

[SEAL.]

J. A. T. HILL,
Secretary of State.
W. T. HAMMOND, *Deputy.*

(7). In the year 1871 a railroad was constructed by the corporation acting under the name of the Saint Louis, Council Bluffs & Omaha Railroad Company from the city of Chillicothe, in the county of Livingston, in the State of Missouri, upon and over the line set forth and described in section three (3) of the articles of association hereinbefore first set forth as filed in the office of the secretary of state of the State of Missouri July 14th, 1868, to a point on the boundary line between the States of Missouri and Iowa, and has been continued thence to the city of Omaha, Nebraska, and has ever since been operated upon said line.

(Ninth). The county of Livingston paid all the interest coupons on the bonds aforesaid as they respectively matured to and including those falling due July 1st, 1876, from the proceeds of taxes levied in each year upon the taxable property of Chillicothe township, in said county.

At the January term of the county court of said county for 1877 the court made an order as follows, since which time none of
409 the coupons on said bonds have been paid :

Be it remembered that in the county court of Livingston county, Missouri, at the January adjourned term, A. D. 1877, held on the 21st day of February, 1877, the following among other proceedings were had, to wit :

" Whereas by a decision of the Supreme Court of the United States in a case wherein Bates County, of this State, was a party, it was held that all township bonds issued under and by virtue of an act of the State of Missouri entitled 'An act to facilitate the construction of railroads in the State of Missouri,' approved March 23rd, 1868, are null and void, owing to the unconstitutionality of said act, which decision, as we are informed, has since been reaffirmed by U. S. Circuit Judge Dillon, and whereas under and by virtue of said act above recited the County of Livingston, for the use and in behalf of the municipal township of Chillicothe, did, in A. D. 1870, issue and deliver under said act above recited to the St. Louis,

Council Bluffs & Omaha Railroad Company a series of bonds in amount twelve thousand dollars, to run for fifteen years, and each for the sum of five hundred dollars: Now, therefore, it appearing that all of said bonds are null and void, it is hereby ordered that from and after this date the treasurer of the county be commanded and directed to refuse payment of said bonds or any of them, together with all coupons for interest thereto attached, in whosoever hands they may be found or by whomsoever they may be presented, until otherwise directed by this court or by some competent superior authority."

A true copy of the record F, page 248.

In testimony whereof I have hereunto set my hand and affixed the seal of the county court at office in Chillicothe this 25th day of August, A. D. 1882.

[SEAL.]

J. R. MIDDLETON,
Clerk Livingston County Court,
By NAT COOPER, *D. C.*

410 (10.) Upon consideration of the foregoing facts, which constitute all the facts and evidence produced in the cause, the court finds that the county of Livingston, in the State of Missouri, is indebted to the plaintiff, the First National Bank of Portsmouth, New Hampshire, by reason of the non-payment of the coupons described in the petition and the facts aforesaid, in the sum of eight thousand four hundred and seventy-six dollars and sixty cents ($8,476.60.)

(Signed) A. KREKEL, *Judge.*

And the said bill of exceptions is as follows, to wit:

In the Circuit Court of the United States in and for the Western Division of the Western District of Missouri.

THE FIRST NATIONAL BANK OF PORTSMOUTH, Plaintiff,
vs.
THE COUNTY OF LIVINGSTON, Defendant.

Be it known that on the trial of the foregoing cause the following proceedings were had, viz: For the plaintiff it was admitted by the defendant that plaintiff was at the commencement of this suit, and still is, a corporation duly organized under the acts of Congress, a national bank, and that plaintiff is a citizen of the State of New Hampshire, and it was admitted that the defendant is now and was in 1870 one of the organized counties in Missouri, and is and was at the commencement of this suit a citizen of Mo., and of the western division of the western district of Missouri.

Whereupon the plaintiff offered in evidence twenty-four (24) bonds. One of said bonds is in words and figures as set out in the special finding of facts in full and need not here be further copied. Defendant objected to reading said bonds in evidence, for the reason said bonds are void on their face and show no authority

for their issue by the officers. The court overruled said objec-
411 tions and permitted said bonds to be read in evidence, to which ruling of the court the defendant then and there excepted.

Plaintiff thereupon offered and read in evidence the coupons on said bonds sued on. One of said coupons is set out in full in the special finding of facts and need not be further copied. Defendant objected to reading said coupons on the ground that there was no authority for their issue. The court overruled defendant's objections and permitted said coupons to be read in evidence; to which ruling of the court the defendant then and there excepted.

Plaintiff here rested.

The defendant, to sustain the issues on its part, offered in evidence a petition of certain inhabitants of Chillicothe municipal township, which said petition was directed to the county court of Livingston county, Missouri, asking a vote on a proposed subscription of fifteen thousand dollars to the capital stock of the Chillicothe & Omaha Railroad Company, which said petition is set out in full in the special finding of facts filed herein and need not be further copied here. Whereupon defendant offered and read in evidence an order of the county court of Livingston county directing a special election, such order being made May 3d, 1870, and also an order of said county court of date May 25th, 1870, and also the count of the votes cast under said election, the articles of association of the St. Louis, Council Bluffs & Omaha Railroad Company, of Iowa, and the articles of association of the St. Louis, Chillicothe & Omaha Railroad Company, of Missouri.

Defendant then offered in evidence the affidavit of John H. Hammond, filed with the secretary of state, showing a change of the name of the St. Louis, Chillicothe & Omaha Railroad Company to that of the Chillicothe & Omaha Railroad Company. Defendant then offered and read in evidence articles of consolidation of the Chillicothe & Omaha Railroad company, of Missouri, with the St. Louis, Council Bluffs & Omaha Railroad Company, of Iowa, both from the office of the secretary of state of Missouri and from the office
412 of the secretary of state of Iowa, which said orders of said county court and canvass of votes and various articles of association and consolidation and affidavit for change of venue are set out in full in the special finding of facts and need not be further copied here. Defendant further, to maintain the issues on its part, offered as a witness John R. Middleton, who, being duly sworn on his oath, testified as follows:

(Direct examination by Mr. DAVIS):

Q. Mr. Middleton, I will get you to state where you live.

A. In Chillicothe, Missouri.

Q. I will get you to state, Mr. Middleton, what business you are engaged in.

A. At the present time?

Q. Yes, sir.

A. I am in the banking business—assistant cashier of the Chillicothe Savings Association.

Q. I will get you to state if you were at any time clerk of the county court of Livingston county.

A. I was.

Q. State during what years you were clerk.

A. From January, '74, to the first of January, '82.

Q. That is eight years?

A. Yes, sir.

Q. Now, I will get you to state if during that time you ever made any examination of the records of the county court of Livingston county with reference to any action of that court taken in regard to voting stock or issuing bonds to the St. Louis, Council Bluffs & Omaha Railroad Company.

A. I have.

Q. You have examined the records?

A. I have.

Q. I will get you to state at whose instance you have made
413 those examinations.

A. I believe General John B. Henderson, of St. Louis, was the first that requested a copy of the record in regard to it. Then, if I am not mistaken, Mr. Eldridge, this gentleman here, came and requested a copy, and he also examined the records himself.

Q. Did you examine the records at the instance of the attorneys of the county?

A. Yes, sir.

By Mr. ELDRIDGE: Let him state when these examinations were made.

Q. Very well; Mr. Middleton, when were they made?

A. The examination was made between the years '79 and '82 is the best of my recollection.

Q. Now, I will get you to state if [in] any of these examinations you found any record of any petition of the inhabitants of Chillicothe township.

By Mr. ELDRIDGE: That question is objected to.

Q. (Continuing.) Any petition of the tax-payers of Chillicothe municipal township to the county court praying any election to find the sense of the people upon the proposition to vote any amount of bonds to the St. Louis & Chillicothe Railroad Company?

By Mr. ELDRIDGE: I object to that as incompetent.

Q. Or the St. Louis, Council Bluffs & Omaha Railroad Company?

A. None.

Q. I will get you to state if there is any order or any record of any order of the county court directing any person or persons to execute or deliver to any person any bonds made payable to the St. Louis, Council Bluffs & Omaha Railroad Company.

Objected to by counsel for complainant as incompetent.

A. There is none.

Q. By the COURT: Is the Chillicothe & Omaha line the same line of railroad?

414 A. It is the same line of railroad.

By Mr. DAVIS: It may help the court and this case a little to call attention to this fact, that this railroad was first the St. Louis, Chillicothe & Omaha Railroad Company; that was changed to the Chillicothe & Omaha Railroad Company, and it was to that company that the stock was voted at the election; that is in evidence before the court.

By the COURT: It is a fact that it is a link in the railroad from St. Louis to Omaha.

Q. Mr. Middleton, I will get you to state if you were present at the election or took any part in the election that was held on the 27th of May.

A. I did not.

Q. You wasn't present, and took no part in it?

A. No, sir.

Q. I will get you to state if they are any records in your office, to your knowledge, of any registration of the voters for that election of May 23d.

Objected to by counsel for plaintiff.

A. There was no special registration for that election.

Q. By the COURT: There was a registration before?

A. Yes, sir; before.

Q. When before?

A. At the time the law required it; I don't remember the date.

Q. At the general election?

A. Yes, sir; at the general election.

Q. By Mr. ELDRIDGE: At the next preceding general election?

A. Yes, sir; at the time required by law. I believe registration was required to precede every general election.

Cross-examination by J. D. S. COOK, Esq:

Q. The St. Louis, Council Bluffs — Railroad Company—the road was originally laid out and planned, was it not, through your county, a railroad on the line of this preceding road?

415 A. Yes, sir.

Q. When was the road laid out and planned and surveyed through the county—in what year?

A. I don't remember.

Q. Do you remember when it was graded?

A. I do not.

Q. Was the road built from Chillicothe to Omaha?

A. It was built from Chillicothe to Pattonsburg, this line of road that now goes to Omaha. The terminus was Pattonsburg, in Daviess county.

Q. Pattonsburg is in Daviess county, in this State?

A. Yes, sir.

Q. The road was completed to that point and remained there for a number of years?

A. Yes, sir.

Q. When was it completed to Pattonsburg?

A. I forget the year, sir; I had no special interest in railroads and don't remember as to the year it was completed.

Q. Is it now completed to the city of Omaha?

A. Yes, sir; I presume so.

Q. Trains run daily from Chillicothe to Omaha, don't they?

A. It is so reported. I have never been over the line of the road, but it is understood that it is a continuous line from St. Louis to Omaha.

By the COURT: Mr. Middleton, how far did your examination extend—did you take the record page by page?

A. Page by page, after looking at the index.

Q. Was you the clerk at the time this subscription was claimed to have been made?

A. No, sir.

Q. Who was the clerk at that time?

416 A. W. H. Gantt.

Q. You have examined the minutes made in the office?

A. Yes, sir.

Q. Where is Mr. Gannt?

A. I believe he is living in Carroll county.

Q. He is still living?

A. Yes, sir.

Q. Within reach?

A. I suppose so.

Q. Do you know whether he has ever made any examination of the records there?

A. I don't think he has.

Q. Did you notice whether there were any pages torn out of the record or not?

A. It was regularly paged, and no pages were torn out.

Q. And you turned the records page by page and read the records to see whether there was any entry?

A. I did.

Q. How long did it take you?

A. Well, I would take my unoccupied time—it took me perhaps a month altogether.

(All these questions on this page were by the court.)

Redirect examination by Mr. DAVIS:

Q. I believe you stated that the road runs through Livingston county?

A. Yes, sir.

Recross-examination by Mr. ELDRIDGE:

Q. Where did it run after it got to the Iowa line—it extended through to Omaha, did it not?

417 A. To Council Bluffs.

Q. That is opposite Omaha?

A. That is my understanding, but I have never been over the line of the road.

Q. Council Bluffs is connected with Omaha by a bridge over the Missouri river?

By the COURT: That is a historical fact.

Redirect examination by Mr. DAVIS:

Q. Mr. Middleton, did you find any order upon the records of the county court directing a subscription of stock either to the Chillicothe & Omaha Railroad Company or to the St. Louis, Council Bluffs & Omaha Railroad Company?

Objected to by counsel for the plaintiff as incompetent and irrelevant.

A. I did not.

Q. Did you look at the records with a view to ascertain that fact?

A. I did not.

In rebuttal the plaintiff then offered the following evidence:

By Mr. COOK: We offer the articles of consolidation—the Chillicothe & Omaha Railroad Company, the Missouri corporation, with the St. Louis, Council Bluffs & Omaha Railroad Company, the Iowa corporation, from the office of the secretary of state of Iowa, which is set forth in full in the special findings of facts and need not here [be] copied

By Mr. COOK: I believe that the — have already offered the certificate from the secretary of state's office of Missouri.

By Mr. ESS: Yes, sir.

The plaintiff here offered to prove that in 1872, 3, 4, 5, & 6 the county court of Livingston county regularly levied upon the property in the municipal township of Chillicothe taxes for the payment of railroad bonds, and that a special levy was made to pay
418 interest on these bonds for each of those years.

Whereupon JOHN R. MIDDLETON, being recalled for the plaintiff, testified as follows:

(Direct examination by Mr. COOK:)

Q. Mr. Middleton, were any other bonds ever issued on behalf of Chillicothe township except the twelve thousand dollars of bonds now supposed to be in suit here?

A. I think not.

Q. You never knew of any?

A. No, sir.

Q. And you were county clerk during the time the levies were made and would have known of it?

A. Part of the time.

Q. From your examination of the records you didn't find the record of the issue of bonds to any other company?

A. Of Chillicothe township I did not.

By Mr. COOK: We offer certified copies of the tax-levies for 1872, 3, 4, 5, & 6.

By Mr. ESS: We object to that; if they couldn't issue the bonds they couldn't ratify it.

This objection was overruled and defendant excepted then and there.

By the COURT: Mr. Middleton, do you know anything about the levy of railroad taxes and payment?

A. There was a collection of the Chillicothe township railroad taxes and payment.

Q. And that was on these twenty-four bonds that were issued to the St. Louis & Council Bluffs Railroad Company?

A. The coupons taken up read as being of those bonds.

Q. For what years—can you state specifically?

A. I can't state any further than '74 and '75—whether '76
419 was paid I don't remember.

Q. I will call your atttention to an order prohibiting payment, dated '77; that will remind you.

A. They must have been paid in '76 as well.

By Mr. ELDRIDGE: We offer in evidence this transcript from the records of the county court of Livingston county at the January term, 1877, which said order is copied in full in the special finding of facts and need not be here copied.

Objected to by counsel for the defendant.

By Mr. DAVIS: There is nothing to show that there was any term of the county court of Livingston county; the record is not properly certified; it does'nt state there were any judges there.

Whereupon JOHN R. MIDDLETON, being recalled for the defendant, testified as follows:

Examined by Mr. DAVIS:

Q. Who were the judges of the county court in 1877?

A. R. B. Williams was the president of the court; I believe Iburry was a member; I think there were at that time five members of the court.

Q. Was there not fifteen?

A. No, sir; not at that time.

And be it further remembered that the plaintiff, to further maintain the issues on its part, read in evidence the deposition of Edward P. Kimball, who testified that plaintiff bought the bonds in controversy with all the coupons attached at the city of New York, in the month of April, 1871, and paid therefor the sum of nine thousand two hundred and seventy-five dollars, and that plaintiff bought said bonds in good faith without any notice of any defense to said bonds; that defendant paid the interest thereon till January, 1877, when further payment of interest by the defendant was refused;

420 that when plaintiff purchased the bonds it relied on the recitals therein as being true.

This was all the evidence introduced on the trial of said cause.

Whereupon the court made the special findings of facts herein, which, with this bill of exceptions, are made a part of the record herein.

(Signed) A. KREKEL, *Judge.*

And afterwards, to wit, at the term aforesaid of the court aforesaid the following proceedings appear of record on the second day of February, A. D. 1885:

FIRST NATIONAL BANK OF PORTSMOUTH
against
LIVINGSTON COUNTY.

This day comes defendant, by its attorneys, Messrs. Karnes & Ess, and presents the court a bond for a writ of error, a writ of error to reverse the judgment of this court, and a citation to the plaintiff herein. Thereupon said bond is approved and ordered to be filed, which is accordingly done. Said writ of error is allowed and said citation signed.

And said bond is in words and figures as follows, to wit:

421 UNITED STATES OF AMERICA, *sct:*

Know all men by these presents that we, J. H. Matthews, Isaac Hirsh, W. E. Gunley, Peter Burgy, John H. Ware, Jarvis Posletwait, and Sebastian Burgy, are held and firmly bound unto The First National Bank of Portsmouth, New Hampshire, its successors and assigns, in the sum of three thousand dollars, to the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents. Sealed with our seals and dated this — day of January, A. D. 1885.

Upon this express condition, to wit: Whereas The County of Livingston, in the State of Missouri, has prosecuted a writ of error to the circuit court of the United States for the western division of the western district of Missouri to reverse the judgment rendered in the cause above named by the said circuit court of the United States for the western division of the western district of Missouri: Now, if the above named, The County of Livingston, shall prosecute its said writ of errors to effect, and answer all damages and costs if it shall fail to make good said plea, then this obligation to be void; ortherwise to remain in full force and virtue.

J. H. MATHEWS, [SEAL.]
ISAAC HIRSH, [SEAL.]
W. E. GUNLEY, [SEAL.]
PETER BURGY, [SEAL.]
JOHN H. WARE, [SEAL.]
R. B. WILLIAMS, [SEAL.]
JARVIS POSTLEWAIT, [SEAL.]
SEBASTIAN BURGY, [SEAL.]

Presiding Justice of Livingston County Court.

The above bond is hereby approved and ordered to be filed and made a part of the record.

A. KREKEL, *Judge.*

422 UNITED STATES OF AMERICA } *ss:*
Western District of Missouri, }

J. H. Mathews, obligor in the within bond, being duly sworn, on his oath deposes and says that he resides as stated therein, and is worth, over and above all his debts and liabilities, the sum of eight*h* thousand dollars, and that he owns property to that amount, subject to execution, in the State of Missouri.

J. H. MATHEWS.

Subscribed and sworn to before me this thirty day of January A. D. 1885.

LEWIS A. CHAPMAN,
Comm'r U. S. Cir. Court, Western Dist. of Mo.

UNITED STATES OF AMERICA, } *ss:*
Western District of Missouri, }

Isaac Hirsh, obligor in the within bond, being duly sworn, on his oath deposes and says that he resides as stated therein, and is worth, over and above all his debts and liabilities, the sum of thirty thousand dollars, and that he owns property to that amount, subject to execution, in the State of Missouri.

ISAAC HIRSH.

Subscribed and sworn to before me this thirty day of January, A. D. 1885.

LEWIS A. CHAPMAN,
Comm'r U. S. Cir. Court, Western Dist. of Mo.

UNITED STATES OF AMERICA, } *ss:*
Western District of Missouri, }

W. E. Gunley, obligor in the within bond, being duly sworn, upon his oath deposes and says that he resides as stated therein, and is worth, over and above all his debts and liabilities, the sum of twenty thousand dollars, and that he owns property to that amount, subject to execution, in the State of Missouri.

W. E. GUNLEY.

Subscribed and sworn to before me this thirty day of January, A. D. 1885.

LEWIS A. CHAPMAN,
Comm'r U. S. Cir. Court, Western Dist. of Mo.

UNITED STATES OF AMERICA, } *ss:*
Western District of Missouri, }

John H. Ware, obligor in the within bond, being duly sworn, on his oath deposes and says that he resides as stated therein, and is

worth, over and above all his debts and liabilities, the sum of twenty thousand dollars, and that he owns property to that amount, subject to execution, in the State of Missouri.

JOHN H. WARE.

Subscribed and sworn to before me this thirty day of January, A. D. 1885.

LEWIS A. CHAPMAN,
Comm'r U. S. Cir. Court, Western Dist. of Mo.

423 UNITED STATES OF AMERICA, } ss:
Western District of Missouri, }

Jarvis Postlwait, obligor in the within bond, being duly sworn, on his oath deposes and says that he resides as stated therein, and is worth, over and above all his debts and liabilities, the sum of twenty thousand dollars, and that he owns property to that amount, subject to execution, in the State of Missouri.

JARVIS POSTLWAIT.

Subscribed and sworn to before me this 30th day of January, A. D. 1885.

LEWIS A. CHAPMAN,
Comm'r U. S. Cir. Court. Western Dist. of Mo.

UNITED STATES OF AMERICA, } ss:
Western District of Missouri, }

Peter Burgy, obligor in the within bond, being duly sworn, on his oath deposes and says that he resides as stated therein, and is worth, over and above all his debts and liabilities, the sum of four thousand dollars, and that he owns property to that amount, subject to execution, in the State of Missouri.

PETER BURGY.

Subscribed and sworn to before me this 30th day of January, A. D. 1885.

LEWIS A. CHAPMAN,
Comm'r U. S. Cir. Court, Western Dist. of Mo.

UNITED STATES OF AMERICA, } ss:
Western District of Missouri, }

Sebastian Burgy, obligor in the within bond, being duly sworn, upon his oath deposes and says that he resides as stated therein, and is worth, over and above all his debts and liabilities, the sum of four thousand dollars, and that he owns property to that amount, subject to execution, in the State of Missouri.

SEBASTIAN BURGY.

Subscribed and sworn to before me this 30th day of January, A. D. 1885.

LEWIS A. CHAPMAN,
Comm'r U. S. Cir. Court, Western Dist. of Mo.

424 UNITED STATES OF AMERICA, *sct:*

I. Henry C. Geisberg, clerk of the circuit court of the United States for the western division of the western district of Missouri, do hereby certify that the forgoing is a true copy of the entire record and proceedings in the cause therein named, as fully as the same appears in my office.

Witness my hand as clerk, and the seal of said court. Done at office in Kansas City, Missouri, this 31st day of March, A. D. 1885.

[Seal of the United States Circuit Court, Western Division for the Western District of Missouri.]

H. C. GEISBERG, *Clerk,*
By WARREN WATSON, *D. C.*

425 In the Supreme Court of the United States. October Term, 1885.

THE COUNTY OF LIVINGSTON, MISSOURI, Plaintiff in Error,
vs.
THE FIRST NATIONAL BANK OF PORTSMOUTH, New Hampshire, Defendant in Error.

On this October —, 1885, before the justices of the Supreme Court of the United States, at the Capitol in the city of Washington, comes the said County of Livingston, plaintiff in error, by Henry N. Ess, its attorney, and says that in the record and proceedings aforesaid there is manifest error, in this, viz: Under the pleadings and under the proof offered on the trial, and under the facts found by the court below, there is no authority in law for the issuing of the bonds sued on. Said bonds are void on their face, as being made without authority of law. The facts found by the court below show the nullity of the authority to issue the bonds sued on. On the petition and on the facts found the court below erred in rendering judgment for the plaintiff below; judgment should have been rendered for the defendant below. The bonds sued on do not show on their face any authority for their issue, and the evidence shows no authority for their issue, and the facts found by the court below show no authority for their issue.

Wherefore the plaintiff in error, the County of Livingston, prays that the judgment aforesaid may be reversed, annulled, and altogether for naught held, and that it may be restored to all things which it has lost by occasion of said judgment.

HENRY N. ESS,
Att'y for Plaintiff in Error.

426 In the Supreme Court of the United States.

COUNTY OF LIVINGSTON, Plaintiff in Error,
vs.
FIRST NATIONAL BANK OF PORTSMOUTH, N. H., Defendant in Error.

It is agreed in the above-entitled cause that in printing the record one count of the petition only shall be printed, being the first count, and that the clerk shall note thereafter that the other counts are

similar to this one, with the like effect in all respects as if the said counts had been set out *in hæc varba* as appearing in the record filed.

HENRY N. ESS,
Counsel for Pl'ff in Error.
G. S. ELDRIDGE,
Counsel for Def't in Error.

427 [Endorsed:] Sup. Court U. S. 1885, Oct'r term. No 1204. The County of Livingston, plaintiff in error, *vs.* The First National Bank of Portsmouth, N. H. Stipulation to omit certain portion of record in printing. [Stamped:] Office Supreme Court U. S. Filed Dec. 7, 1885. James H. McKenney, clerk.

[Endorsed:] In the Supreme Court of the United States. Livingston County, pl'ff in error, *vs.* First National Bank of Portsmouth, N. H., def't in error. Stipulation.

Endorsed on cover: W. Missouri C. C. U. S. No. 1204. The County of Livingston, in the State of Missouri, plaintiff in error, *vs.* The First National Bank of Portsmouth, New Hampshire. Filed November 7, 1885.

Office Supreme Court U. S.
FILED
SEP 21 1886
JAMES H. McKENNEY,
CLERK.

IN THE SUPREME COURT OF THE UNITED STATES.

THE COUNTY OF LIVINGSTON, IN THE STATE OF MISSOURI, PLAINTIFF IN ERROR.

vs.

THE FIRST NATIONAL BANK OF PORTSMOUTH, NEW HAMPSHIRE, DEFENDANT IN ERROR.

Abstract of Record, Statement of Facts, Brief and Argument for Plaintiff in Error, the County of Livingston.

JAS. L. DAVIS,
HENRY N. ESS,
Counsel for Defendants.

TIERNAN, PRINTER & BINDER, KANSAS CITY

IN THE SUPREME COURT OF THE UNITED STATES.

THE COUNTY OF LIVINGSTON, IN THE STATE OF MISSOURI, PLAINTIFF IN ERROR.

vs.

THE FIRST NATIONAL BANK OF PORTSMOUTH, NEW HAMPSHIRE, DEFENDANT IN ERROR.

This suit was brought Sept. 4th, 1882, in the United States Circuit Court for Western Division of the Western District of Missouri.

The petition (printed Record, page 3) sets out the bond sued on. It states that "The said bond was issued under and pursuant to the order of the County Court of Livingston county, authorized by a two-thirds vote of the people of Chillicothe municipal township, as is therein recited, and under authority of the Constitution and laws of the State of Missouri." The bonds are charged to have been issued to "the St. Louis, Council Bluffs & Omaha Railroad Company," or bearer, each bond being for $500, with interest at 8% semi-annual, interest coupons being attached for interest.

A demurrer was filed to this petition (printed Record, page 69). The grounds of the demurrer were that it nowhere appeared for what purpose the bonds were issued; that the petition did not show that the bonds were issued for any purpose authorized by law; that the bonds were void; that they were without consideration; that it does not appear from the petition that the bonds were issued in payment of any subscription of stock to any railroad company, or that any stock was subscribed, or that any subscription of stock was made or intended to be made, and that the petition failed to show any authority for the issue of the bonds.

This demurrer was sustained (printed Record, page 69). Plaintiff below then amended its petition by interlineation. This amendment appears in printed Record, page 3. The amendment is:

"That said bond was issued under and pursuant to an order of the County Court of Livingston County, authorized by a two-thirds vote of the people of Chillicothe municipal township, as is therein recited, and in aid of said railroad, under authority of an act of the Legislature of Missouri, entitled: 'An Act to facilitate the construction of railroads in the State of Missouri,' approved March 23d, 1868, and of the Constitution of the State of Missouri."

The amendment then sets up that as each coupon matured prior to July 1st, 1876, it was paid by a tax levied and collected by the

County Court from property in this township. Plaintiff in error (defendant below) filed its answer to this petition. This answer (printed Record, page 70–1) is in two counts. The first count is a general denial; the second count sets up want of authority for the issue of the bonds. It sets out that no petition was presented by the tax payers for a vote by the people; that no vote was ever taken to take stock in or loan credit to this railroad; that no stock was ever subscribed or ordered to be subscribed to this railroad, or any railroad, and that the bond is without authority of law, and that plaintiff below was not a holder for value. To this second count plaintiff replied by general denial.

The bonds sued on are copied in printed Record, at page 4. This is the only recital in said bond:

"This bond being issued under and pursuant to an order of the County Court of Livingston County, authorized by a two-thirds vote of the people of Chillicothe municipal township."

The in testimonium clause is thus: "In testimony whereof the said County of Livingston has executed this bond by the Presiding Justice of the County Court of said County, under the order of said Court, signing his name hereto, and by the Clerk of said Court, under the order thereof, attesting the same and affixing thereto the seal of said Court:

A jury was waived, and the case was tried before Judge Krekel, who made a special finding of facts. A bill of exceptions was also filed. The special finding of facts is in Printed Record, pages 72 to 94, and the bill of exceptions pages 94 to 101. The bill of exceptions and special findings of facts contain all the evidence. These special findings contain the form of the bond (Printed Record, page 73), with all its recitals and copies of coupons. That plaintiff bought the bonds in open market for cash without notice, and under what circumstances the bonds were issued, as follows:

On July 14th, 1868, the St. Louis, Chillicothe & Omaha Railroad Company was incorporated. Pages 74-5. The change of corporate name from that of "St. Louis, Chillicothe & Omaha Railroad Company" to that of "The Chillicothe & Omaha Railroad Company." Printed Record, page 76. This was on June 4th, 1869. Same page. On May 3d, 1870, a petition was presented to the County Court of Livingstone county by twenty-five (or more) voters of that township setting up their desire as a township to subscribe $15,000 to the capital stock of the Chillicothe & Omaha Railroad Company, subject to the following conditions, viz.: Payment of such subscription to be made in bonds of Livingston county (issued in accordance with the law regulating subscriptions by municipal townships to railroad companies) at par; said bonds to be payable 15 years from July 1, 1870, 8% interest. Bonds to be issued to said company when the road-bed was graded through the county. On May 3d, 1870, the County Court of Livingston county made its order. (Printed Record page 78). This order sets forth the presentation of this petition by sixty-one taxpayers, setting forth their desire as a township to subscribe $15,000 stock to "The Chillicothe & Omaha Railroad Company," and orders an election on May 27th, 1870, to determine if such subscription shall be made. At such election voters favoring the subscription were to cast a ballot with these words: "For the subscription to the Chillicothe & Omaha

Railroad Company," and those unfavorable a similar ticket, except that "Against" is substituted for "For." This petition and order of Court are for a vote to subscribe stock to "The Chillicothe & Omaha Railroad Company," not "The St. Louis, Council Bluffs & Omaha Railroad Company." The bonds are payable to the latter company. (Printed Record, page 73.)

On May 25th, 1870, this order was changed so as to make the stock $12,000 to the Chillicothe & Omaha Railroad Company in place of $15,000. Record, page 78. An election was held. This election was held to determine "If the subscription shall be made." The order and election together do not make a subscription. Printed Record, pages 77-8. Three hundred and twenty votes were cast for the subscription of $12,000 stock to the Chillicothe & Omaha Railroad and fifty votes against it. This vote was canvassed and certified May 30th, 1870. The County Court do not order any subscription to be made, nor is any subscription to stock made in fact.

Articles of incorporation of "The St. Louis, Council Bluffs & Omaha Railroad Company" were filed in the office of the Secretary of State of Iowa September 23d, 1870. These same articles were filed in the Recorder's office of Potawattomie county, Iowa, on September 13th, 1870. (Printed Record, pages 80-1-2.) Three days prior to the time these articles of incorporation of "The St. Louis, Chillicothe & Omaha Railroad Company" were filed in the office of Secretary of Iowa, viz.: on Sept. 20, 1870, the stockholders of "The Chillicothe & Omaha Railroad Company" authorized the directors to consolidate that railroad with "The St. Louis, Council Bluffs & Omaha Railroad Company of Iowa." The agreement for consolidation was made by both companies September 20th, 1870. (Printed Record, pages 84-5-6.) These articles of consolidation were filed in the office of the Secretary of State of Missouri October 7th, 1870. (Printed Record, page 88.) They were filed in the office of the Secretary of State of Iowa December 19th, 1870. These articles of agreement convey to the consolidated company the property of such corporation, including among other things the "stock subscriptions." (Printed Record, page 90, below middle of the page.) Certificates of stock in each company to be returned to the old company and new certificates issued by the new company. (Page 92.)

The name of the plaintiff in error nowhere appears as stockholder in this agreement for consolidation, nor in fact anywhere else at any time.

The special finding is that the "St. Louis, Council Bluffs & Omaha Railroad Company" (not the Chillicothe & Omaha Railroad Company, to which bonds were voted, and in which authority to take stock was given), built a railroad on the line set forth in the articles of association of the St. Louis, Chillicothe and Omaha Railroad Company, whose name was changed to that of the "Chillicothe & Omaha Railroad Company, (printed Record, page 93). Livingstone County paid coupons on these bonds up to and including July 1st, 1876. At the January term, 1877, the County Court of Livingstone County made an order directing that no more coupons be paid. The court below held that this order of the County Court was a ratification of the bonds. This order is in printed Record, page 93-4. This embraces the findings of fact. A bill of exceptions was also filed. This embraces all the evidence. We contend there is no authority and no evidence

of authority for the issue of the bonds. The bill of exceptions is on pages 94-101, printed Record.

Plaintiff below, to sustain the issues on its part, after admissions of corporate existence of plaintiff and defendant, offered to read in evidence the bonds on the coupons of which suit was brought. Defendant below, objected to reading said bonds in evidence as they were void on their face and no authority for their issue was shown. This objection was overruled and excepted to, and the bond was read, (page 95). The coupons were offered in evidence with same objection, ruling of the court and exception. Plaintiff below there rested. Defendant below, to sustain the issue on its part, offered in evidence the documentary evidence set forth in the special finding of facts. John R. Middleton was the only witness sworn in the case. His testimony is reported in full, (pages 96-100). Witness was Clerk of the County Court from 1874 to 1882. He has examined the records of the County Court of Livingston Co. thoroughly, at one time for Gen. John B. Henderson, of St. Louis, and at one time for Mr. Eldridge, counsel for defendant in error. He examined also at the request of the attorneys for the county. These examinations were made between 1879 and 1882. He found no record (page 96) of any petition praying an election to test the sense of the people of Chillicothe Municipal Township to vote bonds or stock to the St. Louis, Council Bluffs & Omaha Railroad Company or "The St. Louis, Chillicothe & Omaha Railroad Company." There is no order on record of any order of the County Court directing any person or persons to execute or deliver to any one any bonds to The St. Louis, Council Bluffs and Omaha Railroad Company. A Railroad was completed to Pattonsburg, Davies County, but witness can not tell when. Witness was then examined by the court as follows, (page 98):

Q. Mr. Middleton, how far did your examination extend; did you take the record page by page?

A. Page by page, after looking at the index.

Q. Was you clerk at the time this subscription was claimed to have been made?

A. No sir.

Q. Who was the clerk at that time?

A. W. H. Gaunt.

Q. You have examined the minutes made in the office?

A. Yes sir.

Q. Where is Mr. Gaunt?

A. I believe he is living in Carroll County.

Q. He is still living?

A. Yes sir.

Q. Within reach?

A. I suppose so.

Witness don't know whether Gaunt ever made any examination.

The court continued the prosecution for plaintiff below, thus:

Q. Did you notice whether there were any pages torn out of the record or not?

A. It was regularly paged and no pages were torn out.

Q. And you turned the records page by page and read the records o see whether there was any entry?

A. I did.

Q. How long did it take you?

A. Well, I would take my unoccupied time; it took me perhaps a month altogether.

Witness says, page 99:

Q. Did you find any order upon the records of the County Court directing a subscription of stock either to the Chillicothe & Omaha Railroad Company or to the St. Louis, Council Bluffs & Omaha Railroad Company?

A. I did not.

Some documentary evidence was then offered by plaintiff below and Mr. Middleton was recalled. He says he was County Clerk, as before stated. Taxes were levied during this time. He did not find the record of the issue of any bonds on the part of Chillicothe Township. Then the tax levies for the years 1872-3-4-5 were offered and read in evidence. Defendant below objected to the evidence, for the reason that the Court had no authority to issue the bonds, and no authority to ratify the issue. The objection was overruled, and excepted to. Then the record of the County Court of January, 1877, was offered in evidence. It was objected by defendant below. Objection was overruled, and the order was read. This was all the evidence. There is no evidence of authority to issue the bonds.

The petition of the voters, the order of the County Court and the vote are not per se a subscription of stock to the Chillicothe & Omaha Railroad Company. The Clerk of the Court, after repeated examinations of the record of the County Court, says there is no order of the County Court authorizing or directing any one to subscribe stock or issue bonds. No stock was ever issued in any railroad for Chillicothe Township or Livingston County. The stock was never subscribed or ordered to be subscribed or taken.

The Statutes of Missouri supposed to confer the power to subscribe stock and issue bonds to railroad companies are as follows, copied from Wagner's Statutes of Mo., 1870, Vol. 1, page 313:

(*Act* 1868, *p.* 92):

SECTION 51. Whenever twenty-five persons, tax payers and residents in a municipal township, for election purposes, in any county in this state, shall petition the County Court of such county, setting forth their desires, as a township, to subscribe to the capital stock of any railroad company in this state building, or proposing to build, a railroad into, through or near such township, and stating the amount of such subscription, and the terms and conditions on which they desire such subscription shall be made, it shall be the duty of the County Court, as soon as may be thereafter, to order an election to be held in such township, to determine if such subscription shall be made; which election shall be conducted and returns made in accordance with the laws controlling general and special elections; and if it shall appear, from the returns of such election, that not less than two-thirds of the qualified voters of such township voting at such election are in favor of such subscription, it shall be the duty of the County Court to make such subscription in behalf of such township, according to the terms and conditions thereof, and if such conditions provided for the issue of bonds in payment of such subscription the County Court shall issue such bonds in the name of

the county, with coupons for interest attached, but the rate of interest shall not exceed ten per cent per annum; and the same shall be delivered to the railroad company.

SEC. 52. In order to meet the payments on account of the subscription to the stock, according to its terms, or to pay the interest and principal on any bond which may be issued on account of such subscription, the County Court shall, from time to time, levy and cause to be collected in the same manner as county taxes, a special tax, which shall be levied on all real estate lying within the township making the subscription, in accordance with the valuation then last made by the County Assessor for county purposes.

SEC. 53.—The County Treasurer shall be authorized and required to receive and collect of the Sheriff of the county the income from the tax provided in the previous section, and to apply the same to the payment of the stock subscribed according to its terms, or to the payment of interest and principal on the bonds should any be issued in payment of such subscription; he should pay all interest on such bonds out of any money in the treasury collected for this purpose, by the tax so levied, as the same becomes due, and also the bonds as they mature, which shall be canceled by the County Court, and this service shall be considered a part of his duty as County Treasurer.

SEC. 54.—Persons paying taxes to pay the stock subscription, made in accordance with the provisions of this act, or the bonds issued in payment of such subscription, shall receive from the collector a certificate setting forth in a definite manner the facts, and such certificates in sums of one hundred dollars shall be convertible into the stock of the railroad company receiving the subscriptions, and the County Court shall hold the stock subscribed in behalf of any township in trust for such taxpayers, to be transferred as they become entitled to it; and all persons residing in said township or owning property subject to taxation therein, if they shall have in good faith subscribed to the capital stock of the railroad company receiving the subscription of such township, and paid assessments on the same as they have been made by the company, shall, to the extent of such subscription, receive credit on their tax levied in such township to pay such railroad subscription.

In Wagner's Statutes of Missouri, Vol. 1, page 439, we have this statute. This law was in force in Missouri in 1870, and during the time from 1868 to 1872:

SECTION 1. The county courts shall be composed of three members, to be styled "The Justices of the County Court," and each county, when the court is composed of three justices, may be districted by the county court, if they think the good of the county will be promoted thereby, into three districts, as near equal in population as practicable without dividing municipal townships, and each district shall elect and be entitled to one of the justices of the county court.

Sec. 11, page 441, Wagner's Statutes of Missouri, for 1870, is as follows:

SEC. 11. A majority of the justices of the county court shall constitute a quorum to do business. A single member may adjourn from day to day and require the attendance of those absent, and, when

but two justices are sitting, and they shall disagree in any matter submitted to them, the decision of the presiding justice at the time being shall stand as the judgment of the court."

These are the only statutes in Missouri on the subjects referred to in the above sections.

Printed Record, page 78, it appears that this court was composed of three justices, viz., Carlisle Curtis, President, and Nathaniel Matson and Anthony Rogers, Associate Justices.

The Chillicothe & Omaha Railroad Company, to which company the county court was authorized to subscribe stock, was consolidated with the St. Louis, Council Bluffs & Omaha Railroad Company, of Iowa (under the name of the latter), on September 20th, 1870. The finding is that this railroad was constructed *in* 1871 *by the St. Louis, Council Bluffs & Omaha* Railroad Company, not the Chillicothe and Omaha Railroad Company. This was done *in the year* 1871, (printed Record, page 93). The bonds were to be issued when the road bed was completed, (printed Record, page 77).

Wagner's Statutes of Missouri, 1870, Vol. 1, page 419, Sec. 5, is as follows:

SECTION 5. All courts included under this title shall be courts of record and shall keep just and faithful records of their proceedings." By Sec. 3, each court shall procure and keep a seal, etc., etc. Here, then, we have a petition to subscribe stock to *The Chillicothe & Omaha Railroad Company.* A vote on the question of subscribing stock to *The Chillicothe & Omaha Railroad Company.* No order to subscribe to stock of this or any other railroad company appears on the records of this court. The clerk examined the whole record, page by page, line by line, and could find no such order. Stock was not subscribed to any railroad company. There is not in the entire record a.y scintilla of evidence nor inference that stock was subscribed or ordered to be subscribed to the Chillicothe and Omaha Railroad Company or any other company, and for this reason *the whole evidence* is preserved in the bill of exceptions; when the bonds and coupons were offered in evidence, this plaintiff in error objected to their being read in evidence for the reason that no authority for their issue was shown, (printed Record, pages 94-5).

An authority to subscribe stock to the Chillicothe & Omaha Railroad Co. is no authority to subscribe stock to the St. Louis, Council Bluffs & Omaha Railroad Company.

When the petition is presented, the vote taken and returns of vote made, it becomes "the duty of the County Court" to subscribe stock. By Section 51, the subscription of stock is to be and is the act of the County Court, as a court of record: to make the subscription the acts of a court of record, can only be known by its records. The petition, the vote taken and the canvass of the vote are not per se a subscription. The decided cases in this Court are uniform on this point.

Authority for the issue of these bonds must be shown. That authority is wholly wanting. The Clerk says he looked over the records of the County Court, page after page, line after line, occupying two months. He made these searches for Gen. John B. Henderson for the County Court, and for counsel for defendant in error in this case. No order to subscribe stock or issue bonds could be

found. The officers who sign this bond have no authority to determine conditions precedent. The Presiding Justice of the county is only one of the Judges of the County Court. As a Court, he can do no act whatever. It is *the Court* that is to subscribe stock and issue bonds to pay it, not the Presiding Judge, or the Clerk, or both. The Presiding Judge and the Clerk have no more anthority to make the recital than they have to make the bond. The County Court of Livingstone County never authorized its Presiding Justice and its Clerk, or either of them, to make the bonds sued on, or subscribe the stock or make the recitals. The only reason that a recital in a bond is binding on the courts is that the officer making the recital is the officer appointed by the law to determine or adjudge or decide the matter recited. The law must entrust the decision of some matters to the officer. Then the recital by that officer is such decision. No statute in Missouri authorizes the Presiding Justice of our County Court to make any decision or order.

No subscription is found as a fact. The special finding is, "upon consideration of the foregoing facts, which constitute all the facts and evidence produced in the cause," the Court finds the county indebted, etc., etc. No subscription to stock is found. There is no evidence, not even the scintilla of evidence, that stock was subscribed to the Chillicothe & Omaha Railroad Company. It could not have been subscribed to any other railroad company after Sept. 20th, 1870, when this Chillicothe & Omaha Railroad Co. was consolidated with the St. Louis, Council Bluffs & Omaha Railroad Company under the name of the latter, for the consolidation extinguished all authority to subscribe unless another vote was taken.

Consolidation cannot exist without legislative sanction.

Field on Corp. S. 427.

Even if it be true that there was a legal and valid consolidation of the railroad referred to, a subscription of stock or issue of bonds to the railroad company in payment of such stock was not in this case authorized.

State Ex Rel. Wilson vs. Garrantte, 67 Mo., 445.

In this case there was a consolidation of the Kansas City, Galveston & Lake Superior Railroad Company with the Hannibal & St. Joseph Railroad Company under Act of March 11, 1867. The vote of stock by the people was to the *former* company and the bonds issued to the latter company. The Supreme Court of Missouri held that the effect of the consolidation was to extinguish the former companies, and that subscription and bonds issued to the consolidated company were void. To the same effect is Weil vs. Greene Co., 69 Mo., p. 284.

Harshman vs. Bates Co., 92 U. S., 569, contains the same doctrine as the case of Wilson vs. Garrantte, 67 Mo., 445. It was a suit on Bates county bonds. The Court in this case held that where a railroad company to which stock had been voted, but before a subscription is made becomes consolidated with another road, thereby forming a third, the County Court is not authorized to subscribe stock or issue bonds on behalf of the township

Town of Coloma vs. Eaves, 92 U. S., 484.

The case of Marsh vs. Fulton Co., 10 Wallace, 677, is a parallel case to the one at bar. In that case the bonds were held to be void on the ground of a want of authority to make it. The bonds

were issued to the Central Division of the Mississippi & Wabash Railroad Company or bearer. In September, 1853, the Board of Supervisors of Fulton County ordered an election to be held to test the sense of the people to the proposed subscription to the Mississippi & Wabash Railroad Company. The vote was taken and consent given. In 1854 and again in 1855 the Board of Supervisors ordered the subscription to be made. In July, 1857, the Mississippi & Wabash Railroad Co. was divided into three roads by legislative act known as the Western, Central and Eastern Divisions. The clerk of the Board in 1868, by order of the Board, made the subscription to the Central Division, and in September, 1868, issued the bonds. The Supreme Court held that a subscription of stock and issue of bonds authorized by a vote of the people of the county to the original corporation could not be legally made to either of the three new roads without another vote of the people.

The principle laid down in Marsh vs. Fulton Co., 10 Wallace, 677, was applied to consolidated railroads in Harshman vs. Bates Co., 92 U. S., p. 595, and Bates Co. vs. Winters, 97 U. S., p. 83. The subscription had not been made, the contract had not been executed, nor does it appear that there was any special provisions in the charter of the original road allowing consolidation.

The rule laid down in Harshman vs. Bates Co. is not in conflict with the ruling in Thomas vs. Scotland Co., for the reason that in the latter case the county acted for itself, while in the former case the county acted for the township, for which it was only a trustee or agent.

State vs. Lynn Co., 44 Mo., 504.
State vs. Clarkson, 59 Mo., 153.

And where there was a consolidation and a new corporation formed the County Court could not subscribe to the new corporation without the direction of the principal, the township.

Burrows on Public Securities, S. 473.

The right of subscription is a privilege of the corporation as well as the municipality. Burrows M. I., S. 475-481. And until executed the corporation has no vested right or interest in the subscription.

Wilson vs. Garrantte, 67 Mo., 446.
Aspinwall vs. Daviess Co., 22 Howard, 364.
Harshman vs. Bates Co., 92 U. S., 569.

Bonds issued by a township under the act to facilitate the construction of railroads in Missouri, Acts of 1868, p. 92, are not in any sense county bonds, and county courts and counties are merely made use of as agents to carry out the objects contemplated by the act.

State vs. Lynn Co., 44 Mo., 504.
State vs. Clarkson, 59 Mo., 153.

Sec. 1 of the Act of March 24, 1870, Acts of 1870, page 88, Wagner's Missouri Statutes, page 314, only provided for the consoli-

dation of railroads organized and existing under the laws of this state.

Sec. 2 of the last named act, does not authorize the consolidation of a railroad company organized under the laws of this state with a railroad company organized under the laws of another state. This section authorizes the *purchase or lease* of railroads in this state by a railroad company of another state, or such foreign corporation may extend, construct, maintain and operate its road into and through this state, and for that purpose shall possess all the rights, powers and privileges conferred by general law upon railroads organized under the laws of this state. That this is the plain intent and meaning of the two sections above referred to is shown by the act of the legislature of this state by inserting the word *consolidation*, by an amendment of Section 2, R. S., 1879, page 789.

In conclusion, we beg to remind the Court that the petition, the order of the county Court and the vote only authorized a subscription. All taken together were not per se a subscription to stock. The statute law of Mo., the petition and the vote authorized a subscription of stock to the Chillicothe & Omaha Railroad Company (not the St. Louis, Council Bluffs & Omaha Railroad Company). When this Missouri corporation, the Chillicothe & Omaha Railroad Co., consolidated with the Iowa corporation (even if we admit it can be done), its power to subscribe was lost, and it could not, after Sept. 20, 1870, subscribe stock to this new corporation, and issue bonds to pay such subscription. The recitals are insufficient. No fact is recited. It is said, "This bond being issued under and pursuant to an order of the County of Livingstone County, authorized by a two-thirds vote of the people of Chillicothe municipal township."

No order of Court was made to issue the bonds. None appears on record. The proceedings of this County Court being a court of record, can be known only by its record. This statement or recital in the bond, when as in this case the bond is signed by the Presiding Judge, is not per se the act of the Court, whose acts can be known only by its record. The Presiding Justice is not the Court. He alone can not act. The statute law of Missouri requires two Judges before there is a quorum. The Clerk and Presiding Justice can do no act except to adjourn from day to day. This statement in the bond is not, and can not be, an adjudication and decision on the matter stated or referred to. The laws of Missouri do not give a Clerk and Presiding Judge any authority to make any adjudication. The formal order of the Presiding Judge of the County Court, even if spread on the record, would be valuless. It gains no additional force by being recited in the bond. This Court must remember that when this abstract of the votes cast was made by the Presiding Justice of the County Court, this was no action of the County Court. From the time this abstract of vote was filed, the County Court did not perform one single act. The issue of these bonds is not the act of the Court, for you can know its acts only from its record. Wherefore we ask that the judgment be reversed, and that judgment be entered in this Court in favor of this plaintiff in error.

JAS. L. DAVIS,
HENRY N. ESS,
Attys. for Plaintiff in Error,
The County of Livingston, in the State of Missouri.

IN THE

SUPREME COURT OF THE UNITED STATES,

OCTOBER TERM, A. D. 1888.

THE COUNTY OF LIVINGSTON,
IN THE STATE OF MISSOURI,
Plaintiff in Error,
vs.
THE FIRST NATIONAL BANK OF
PORTSMOUTH, NEW HAMPSHIRE,
Defendant in Error.

Appeal from the Circuit Court of the Western District of Missouri.

BRIEF ON BEHALF OF DEFENDANT IN ERROR.

G. S. ELDREDGE,
Counsel for Deft. in Error.

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STATEMENT OF CASE.

This suit was brought by the defendant in error to recover upon a series of coupons for the payment of interest upon twenty-four bonds of $500 each, voted and issued in payment of a subscription to the capital stock of the Chillicothe and Omaha Railroad Company, made by the county of Livingston in behalf of the town of Chillicothe, in pursuance of the Statute of Missouri.

A jury being waived, the case was heard before his Honor Judge Krekel, who found for the plaintiff and rendered judgment in favor of the defendant in error on the 23d of October, 1884, for $8,476.60. (Recd. 72).

The numerous decisions made by this court involving the validity of municipal bonds issued under the Missouri Statute, have covered almost every conceivable question that could be presented; but to simplify, if possible, the questions presented by this record, a statement of the material facts in this case is here presented, preserving the chronological order in which they occurred as far as possible:

1. May 3d, 1870, as found by the Court, a petition was filed in the County Court of Livingston County, signed by the requisite number of tax-payers and residents of Chillicothe Township, requesting that an election be called to vote upon the question as to whether a subscription in behalf of the township of Chillicothe to the stock of the Chillicothe and Omaha Railroad Company should be made.

2. The county court, on the same day, ordered an election to be held on the 27th day of May, 1870, to determine whether the subscription should be made and the bonds issued. (Recd. 77-8.)

3. May 30, 1870, the proper county officers canvassed the votes, and ascertained that the requisite number of votes had been cast in favor of issuing the bonds; there being 320 votes in the affirmative, and 50 votes in the negative. (Recd. 80.)

4. Thereupon the proper authorities of the county

of Livingston, issued the series of bonds involved, one of which is set forth in *haec verba*, on page 73 of the Record. The bonds were duly attested by the signatures of the President and Clerk of the County Court with the seal of the county attached. The recital in the bonds is as follows: "Know all men by these Pres-"ents, that the county of Livingston, in the state of "Missouri, acknowledges itself indebted and firmly "bound to the St. Louis, Council Bluffs and Omaha "Railroad Company, in the sum of five hundred dol "lars ($500,) which sum the said county hereby promises "to pay to the St. Louis, Council Bluffs and Omaha "Railroad Company or bearer, at the National Bank of "Commerce in the city of New York, in the state of "New York, on the first day of July, A. D. 1885, to-"gether with the interest, etc. * * * " * * * *This bond being issued under and pursu* "*ant to an order of the county court of Livingston* "*county, authorized by a two-thirds vote of the people of* "*Chillicothe Municipal Township.*" (Record 73.)

5. This company was originally incorporated, under the general laws of the state of Missouri, July 14, 1868, as the '*St. Louis, Chillicothe and Omaha Railroad Company.*' In the articles of association it declared (Sec. 3) that the object of the association was the construction of a railroad from Chillicothe, Missouri, to 'such point on the *Iowa boundary line, between the States of Missouri and Iowa* as shall be deemed, after actual survey, to be the most direct and feasable route for constructing, maintaining and operating a road between the city of Chillicothe, (Mo.) and the city of

Omaha, in the State of Nebraska.' By Sec. 7, of this act of incorporation, it is specially provided that "the "association is organized under and subject to the laws "of the State of Missouri, and contained in chapters 62 "and 63 of Title xxiv of the general Statute of Mis- "souri, of 1865, possessing all and singular the powers "therein contained." (Recd. p. 75.)

6. Among the powers then existing under the laws referred to, were those of consolidation, viz: "That any "Railroad Company organized under the general or "special laws of this State, whose tracks shall at the "line of the State connect with the tracks of the rail- "road of any other company organized under the gen- "eral or special laws of any adjoining State, is hereby "authorized to make and enter into any agreement with "such connecting company for the consolidation of the "stock of the respective companies, whose tracks shall "be so connected, making one company of the two "whose stock shall be so consolidated on such terms and "conditions as may be mutually agreed between them, "in accordance with the laws of the adjoining State in "which the road is located, with which connection is "thus formed." (Wagner's Statute of Missouri, Edition of 1865, p. 75, Sec. 56,—Acts of 1869, Sec. 1.) (Recd. 74-75.)

7. In June, 1869, the name of the St. Louis, Chillicothe and Omaha Railroad Company, was changed under the general law, to that of the Chillicothe and Omaha Railroad Company. (Recd. p. 76.) September 13, 1870, there was formed in the State of Iowa, a corporation designated as the St. Louis, Council Bluffs and

Omaha Railroad Company, and the articles of the association thereof duly filed in the Secretary's office of Iowa, September 13th, 1870, which in substance provided for the construction of a railroad from Council Bluffs, Iowa, to the state line between Iowa and Missouri, "at "a point where the Chillicothe and Omaha Railroad "shall reach said state line, and in the event of the con- "solidation of this company with said Chillicothe and "Omaha Railroad Company, a company incorporated "under the general laws of Missouri, then, in connec- "tion with the said last mentioned railroad, to form a "continuous line of railway from the city of Omaha, in "the State of Nebraska, and the city of Council Bluffs, "in the State of Iowa, to the city of St. Louis in the "State of Missouri," etc. (Recd. Top p. 81.)

8. These two Railroad Companies, in pursuance of the Statutes of Missouri and Iowa, (Recd. 85–87), were, September 20, 1880, consolidated, that is to say, the St. Louis, Chillicothe and Omaha Railroad Company, of Missouri, (which had before then changed its name and assumed that of the Chillicothe and Omaha Railroad Company) consolidated under the Statutes of the States of Missouri and Iowa, with the St. Louis, Council Bluffs and Omaha Railroad Company of Iowa, and assumed the name of the Iowa Company, and the bonds involved in this suit, voted May 27th, 1870, in pursuance of the laws of Missouri, to the Missouri Company, which afterwards changed its name, were issued April 10, 1871, and made payable to the consolidated company, or bearer.

9. It is here remarked, incidentally, that it is en-

tirely immaterial for the purpose of this suit, to whom the bonds were made payable, whether to A. B., or bearer, or to a Banking corporation, or bearer, or to any Railroad Company, or bearer, so long as they were issued in the form of commercial securities; the only material question being, whether they were authorized to be issued by the county of Livingston under the Statutes of Missouri, in behalf of the Chillicothe township, in order to pay for its subscription voted to the capital stock of the Missouri Railroad Company, originally incorporated as the St. Louis, Chillicothe and Omaha Railroad Company, and its name subsequently changed to that of the Chillicothe and Omaha Railroad Company.

The petition of the tax-payers of Chillicothe, it will be observed, imposed no restrictions as to whom the bonds should be made payable, or as to what incorporated company they should be delivered, except that they were to be issued in accordance with the law in payment of the subscription to the capital stock of the Missouri Company. (Recd. p. 77.) Neither does the order of the county court impose any restrictions in that regard, except that they should be issued "to said company, viz: ("the Chillicothe and Omaha Railroad Company," the name subsequently assumed by the "St. Louis, Chillicothe and Omaha Company,") in payment of a subscription to the capital stock of that company. (Recd. p. 78, 79, 80.)

10. It will be further observed that the articles of consolidation, (Recd. p. 85) recite that the Missouri Company and the Iowa Company were authorized and

empowered by the laws of said State to consolidate and form one corporation; the said two companies each having respectively a terminus and connection prior to the consolidation, at the State line between the States of Missouri and Iowa, (Recd p. 86) and the Missouri company was organized for the *express* purpose of building a railroad to the Missouri and Iowa State line, and with an *express* view of its ultimate consolidation with the Iowa Company, under the laws of the State of Missouri, then existing, authorizing such consolidation, with the exercise of all the powers conferred by the Statutes of Missouri to effectuate such consolidation.

11. It will be further noticed that it appears from this record that the plaintiff below to maintain its case, introduced first, one of the bonds, and the coupons in suit and then rested, and all this documentary evidence with reference to the vote and the proceedings of the County Court, and the proof as to the organization of the several railroad companies, were introduced on behalf of the defendant below. There being statutory authority for the issue of such bonds in Missouri, the introduction and proof of the bonds and coupons, of course, made a *prima facie* case for recovery by the plaintiff. (Record 94, 95.)

12. At the conclusion of the defendant's evidence, *the plaintiff in rebuttal*, introduced proof of the articles of consolidation of the two companies, and the payment of interest by the municipality for the years 1872, 3, 4, 5 and 6, and the levy of taxes during those years for the payment of this interest, and that the plaintiff below bought all the bonds and coupons in good faith,

without notice of any defense, in April, 1871, and paid therefor $9,274, and that the defendant below paid the interest on the bonds until January, 1877, when further payment of interest was refused; and also introduced in evidence a transcript of the records of the County court of Livingston county, at the January term, 1877, (Record 99–100) set out in the ninth finding made by the court, (Record 93, 94,) wherein the county cour after reciting that by the decision of this court in tht Bates County Case, "it was held that all the township bonds issued under and by virtue of an act of the State of Missouri, approved March 23, 1868, are null and void owing to the unconstitutionality of said act, which decision as we (they) are (were) informed, has since been reaffirmed by the U. S. Circuit Judge Dillon, and whereas, under and by virtue of said act above recited, county of Livingston for the use and in behalf of the township of Chillicothe, did, in A. D. 1870, issue and deliver under said act above recited, to the St. Louis, Council Bluff and Omaha Railroad Company, (the consolidated Company) a series of bonds in amount $12,000, to run fifteen years and each for the sum of five hundred dollars ($500) and it appearing that the bonds were void, the county treasurer was prohibited from making any further payments on either bonds or coupons, until otherwise ordered by this court or by some competent, superior authority." (Record 93–94.)

13. The Court found, *first*, that the plaintiff was duly organized as a banking corporation. *Second*, that the defendant was a municipal corporation, etc. *Third*, that one of the townships of the county of Livingston

was Chillicothe; *fourth*, that it issued the bonds and coupons in question, April 10, 1870, and that they were duly attested; *fifth*, that they were all alike, etc. and issued under the circumstances detailed in the record on pages 74–91 inclusive. *Sixth*, that the plaintiff was a *bona fide* purchaser of the bonds, etc. *Seventh*, that the plaintiff below was the lawful holder of the bonds and coupons, and that the amount due upon the coupons was $8,476.60, and that the bonds were issued under the circumstances cited, etc. (Record 74 to 93 inclusive.) *Ninth*, that the county of Livingston paid all interest on the bonds to July 1st, 1876, from the proceeds of taxes levied each year upon the taxable property of Chillicothe township, and then passed the order heretofore referred to prohibiting further payment, (Rec. 93-4); and *tenth*, upon consideration of all the foregoing facts, and circumstances found for the plaintiff the amount so due upon the coupons. The question then is, should this judgment upon this record be affirmed or reversed?

On the part of the defendant in error, it is insisted that the judgment should be affirmed for the following reasons:

1. The vote to subscribe, followed by the authorized issue of the bonds by the County Court, must of necessity, be construed to be an adoption of the provisions of the articles of association of the Railroad Company with all its powers and purposes as therein expressed, as part of the contract of subscription. There can, therefore, be no pretense, for a moment, but that the issue and delivery of the bonds in question was not in exact comformity to the expressed *intention and purpose of the municipal-*

ity and the County Court of Livingston County, as its corporate authority. There has been no perversion of any trust, nor any excess or departure from the purpose and power intended to be authorized by the taxpayers and the municipality, exercised by its corporate authorities.

It is sheer assumption, then, to insist that here is a case where bonds were authorized by the vote of the people to be issued to a particular corporation and for a particular purpose, which was disregarded by the municipal authorities, and the bonds issued to another and different corporation and for a purpose not contemplated or authorized by the vote of the people; for, as before suggested, it is manifest and undeniable as a matter of fact, upon this record, that the bonds were voted in the first instance, for the *express purpose* of constructing a road from Chillicothe north to the Missouri State line, with the *express view of its consolidation with the Iowa Company*; so that a *continuous road might be built*, as stated in the articles of incorporation, *from Chillicothe, Mo., to the city of Omaha in the State of Nebraska.* This is what the taxpayers voted for, what the bonds were issued for, and what the municipality obtained.

It is simply too absurd to be considered for a moment, that the town of Chillicothe desired simply to construct a railroad a few miles from that place out on the prairie to an undefined point on the northern boundary of the state, without any connection to make the road available for general transportation business either north or south. It is most remarkable that such a groundless pretended grievance should be seriously

urged before this Court as is presented by the counsel for the plaintiff in error in their brief. Of what value would a railroad have been to the citizens of Chillicothe running 70 or 80 miles, or more, from that place to the Iowa state line, with no connection whereby a continuous route could be extended to any commercial point north or south?—They might as well have contemplated building a road to the most obscure point imaginable, as to expect, without some connection with another railroad at the state line, to make this road any wise desirable to the citizens of Chillicothe. Can this Court believe for a moment that this intelligent community would have ever voted to issue bonds to the amount of twelve thousand dollars ($12,000) to build such a little spur of a road to some indefinite point on the prairie upon the Iowa state line?—they would beyond doubt have *rebelled* against the issue of bonds to this road if it had not been contemplated that another road was to be extended from the Iowa state line to Council Bluffs, and from Chillicothe south to St. Louis, whereby a continuous road or route, would be obtained which would be alike profitable to the railroad corporation and to the citizens of Chillicothe. This railroad has been built, and has resulted in building up a large commercial center and distributing point at the city of Chillicothe; and while attaining all they desired still nothing short of repudiation of their obligations upon all manner of frivolous pretenses will afford consolation to the citizens and taxpayers of Chillicothe township including the prosperous city of that name.

Is it not then plainly manifest that the primary object of the aid voted to this railroad company was to

accomplish this end? And has it not been accomplished? Hundreds of thousands of dollars have been added to the taxable property of the town and city of Chillicothe and county of Livingston by the construction of this important channel of commerce.

When the citizens of Chillicothe voted to issue bonds in aid of this railroad, they gave their direct sanction to the full exercise of all the corporate powers with which the company was invested; and the object and purpose of the construction of this railroad to the Iowa state line and its consolidation with the Iowa road was the specific purpose of the railroad organization; and being so clearly expressed in the articles of association of the Missouri company, this express provision thereby became *as much a part of the contract between the municipality and the railroad company* as if it had been embodied in so many words in the proposition submitted to the voters of the township for adoption by their vote; that is to say, for the construction and maintenance of a railroad from Chillicothe to the Iowa state line with such a route as should be "deemed, after actual survey, to be the mo t direct and feasible route for constructing, maintaining and operating a railroad from the city of Chillicothe to the city of Omaha, in the state of Nebraska." And they thereby assented to Sec. 3 of the articles of association, (Rec. p. 75) and to the 7th article following, viz.: "that the corporation for which the bonds were voted should possess and exercise all the powers granted by the statute of Missouri relating to railroads, viz.: "Chapter 62 63, of title 24, of the general statute of the State "embracing

as they do the right of consolidation with another railroad company outside of the state; for in no other manner could the purposes of the corporation, viz.: the extension of the line from Chillicothe to Omaha be effected; still, counsel maintain that here is a grievance, and the usual metaphorical professional weeping over this pretended calamitous affair is indulged in.

It is believed that such considerations as are addressed to this Court in this regard, by the counsel for the plaintiff in error, can have no weight in determining the question upon the facts appearing by this record. If the Missouri company had never consolidated with the Iowa company, and no continuous line of road had ever been constructed, the citizens of Chillicothe and their counsel would indeed have had just cause for complaint and might well have urged that a most unconscionable confidence game had been practiced, by the railroad company upon the citizens of Chillicothe and county of Livingston.

2. There was then, under the circumstances, no necessity for any formal order by the County Court for the issue of the bonds. The Court acted ministerially in this regard. But it should be borne in mind that the County Court possessed no judicial power with respect to this particular matter, and was not in any general sense a judicial tribunal. It simply represented the county as a Board of Supervisors represents a County, or the old County Commissioners Court which prevail in many of the States, represents the Counties in which they are severally located. The County Court of Livingston County acted, in that regard, as the Township authori-

ties of a town, under the Township organization laws, would act under like circumstances--where that system prevails. It had absolutely no discretion in the matter. It could have been compelled by mandamus—not perhaps to enter an order upon its record—but to make the subscription and issue the bonds, if the precedent facts authorizing their issue under the law of the State had taken place, and this was the only question left for their determination. It is erroneously assumed by counsel for plaintiff in error, that it was the duty of the *County Court* to declare the result of the election, whereas the result of the election was to be determined "in accordance with the laws controlling general and special elections." (Sec. 51 Mo. Statutes, cited on page 5 of plaintiff's brief). *This was done by the persons designated by the statutes to perform that duty.*

The subscription by the County Court and the issue of bonds were simply *acts*, which it was required to perform under the Statute, upon the filing of the canvass of the vote made by the proper Canvassing Board, in accordance with the vote of the tax payers of Chillicothe township. When this primary fact was ascertained and determined, the County Court could not *lawfully* interpose any obstacles to the perfection of the subscription, either by way of resolution or entries upon its record of what might not properly have been entered or by omissions to enter thereon what it should have done. The vote itself in this case was in effect *an agreement to subscribe.* The record of the County Court showed that the tax payers had given their assent to the subscrip-

tion and if a manual subscription had been made, which it *must be assumed* was made by the County Court, under its official seal and duly authenticated, this could not, of course, be made upon the record of the Court. Neither could the bonds and coupons be thus executed of course. These *acts* were mere incidents to the accomplishment of the object sought, after the facts had been legally ascertained that the subscription was authorized by the requisite number of tax payers.

3. The County of Livingston cannot be permitted upon this record *to assume* that there was no subscription, as against the plaintiff below which was found to be a bona-fide holder of commercial obligations issued by it and *presumptively valid* (and this is said wholly irrespective of the recitals in the bonds). If in point of fact there was no *manual subscription by the Court* upon the subscription books of the Railroad Company, it was incumbent upon the County as *against the plaintiff* below if in anywise material to have shown it. *This was not done and it must be assumed if such was the fact, it would have been* shown.

Menasha vs. Hazard, 102 U. S. 81.
Lincoln vs. Iron Co., 103 U. S. 412.
County of Clay vs. Society &c., 104 U. S. 579 opinion 586.
Town of East Lincoln vs. Davenport, 94 U. S. 801.
Douglass vs. Pike County 101 U. S. 677.
Northern Bk. vs. Porter, 110 U. S. 608 and cases cited.
Wilson vs. Salamanca, 99 U. S. 499.

4. But upon the facts appearing by this record, as before suggested, there was no necessity for a formal subscription. When a vote is taken by the tax payers of a County in favor of a subscription, but nevertheless a Board of Supervisors may or may not perfect the subscription and issue its bonds, it may be conceded that there is a necessity for an order authorizing a subscription, so if power is delegated by the Board or County Court to an Agent to make the subscription, upon certain specified conditions and in a certain specified manner, the order for the issue of the bonds authorized by the vote of the people, and a compliance with the express authority by the Agent, may be insisted upon to give validity to the subscription; but such is not this case. This is simply a case where the power exists and is assailed for supposed non-compliance with unimportant details in its execution, when even not required by the law, under any circumstances.

The Court is frequently reminded by counsel that the recitals in the bond are not sufficiently comprehensive to afford any presumption in favor of the validity of the bonds; and they insist that although the plaintiff below was a *bona fide* purchaser of them for value, that neither an order to subscribe nor a subscription, a presumption of although the bonds were signed by the presiding Judge of the County Court and the County Clerk, and attested by the seal of the Court, can be entertained.

This Court has repeatedly held in the absence of any express statute, that bonds signed by the Supervisor and Town Clerk of a town, are presumed to be signed by

the proper officers to establish their authenticity, as commercial obligations of the municipality, when it had corporate power under any circumstances to issue such securities, and it would be strange indeed, if the presumption in favor of the authenticity of the bonds in question is not equally as strong when authenticated by the signature of the presiding Judge and Clerk and the seal of the Court. This attestation says these bonds were so signed, and the official seal attached "under the order of the Court." (See Bond, Record 4.) However limited the recitals in the bond may be, the presumptions which arise upon this record, in view of the fact that the plaintiff was a conceded *bona fide* purchaser of these securities, negatives any evidence introduced; but what the record does disclose, instead of negativing these legal presumptions, absolutely confirm the facts that the subscription was duly made and the issue and delivery of the bonds was fully authorized, viz: (I) The Court found by the record introduced that the tax payers voted for the subscription, and thereby authorized the issue of the bonds by the County Court in conformity to the law of Missouri; (2) The County of Livingston paid all the interest coupons on the bonds as they respectively matured, to and including those falling due July 1st, 1876, from the proceeds of taxes levied upon the taxable property of Chillicothe township. (See 7th and 9th finding in record p. 93.) The vote and the ascertained result duly canvassed and filed in the County Court, and the payment of interest for this long series of years by the proceeds of taxes levied upon the taxable property of the township, by the proper authorities, further confirm the fact that the subscription was

made, the delivery of the bonds to the consolidated Company, viz: The St. Louis, Council Bluffs & Omaha Railroad Company, was thereby fully ratified. (3) Again, if further confirmation were needed, it is to be found in the action of the County Court when it was supposed that the decision of this Court in the Bates county case, had relieved the town of Chillicothe from any legal liability for the payment of the bonds, and in which they recited (as appears from their record) viz: "whereas, under and by virtue of said act above recited, viz: (an act to facilitate the construction of railroads in the State of Missouri. Approved March 23d, 1868) the County of Livingston for the use and in behalf of the municipal township of Chillicothe, did, in A. D. 1870, issue and deliver under said act above recited, to the St. Louis, Council Bluffs & Omaha Railroad Company, a series of bonds amounting to $12,000," etc. etc. Here we have a specific declaration from the record of the County Court, (so much inquired for by counsel) that these bonds were delivered to the St. Louis, Council Bluffs & Omaha Railroad Company, under the act authorizing it to be done, passed by the General Assembly of the State of Missouri; in other words, an explicit affirmation of the fact that *all* the preliminary steps necessary to give validity to the bonds had been complied with; but the reliance of the County Court for relief from further payment on account of the issue of these bonds and coupons, was the supposed *unconstitutionality* of the law of Missouri authorizing their issue. The paramount consideration with the Court was as to how they could, after getting what they contracted for, avoid, , the payment of what they

had agreed to pay therefor. It is most strenuously insisted that this is, and ought to be, in view of the other facts equally clear from the record, an effectual estopal upon the County of Livingston to deny the subscription was made, the bonds duly issued or that the provisions of the law necessary to be observed in their issue had not in all respects been fully complied with.

In the *County of Scotland vs. Thomas*, 94 U. S. 632, it was held by this Court under the provisions of the Missouri act, by one of the sections of which, viz. Sec. 58 of the General Railroad Act of Missouri, (cited by counsel for plaintiff in error,) it is provided that, "any consolidated Company shall be subject to all the liabilities and bound by all the obligations of the Company within this State, which may be thus consolidated with one in the adjoining State, as fully as if such consolidation had not taken place, and shall be subject to the same duties and obligations to the State and be entitled to the same franchises under the laws of this State, as if the consolidation had not taken place;" that the consolidation of one Company with another did not extinguish the power of the counties to subscribe or the privilege of the Company to receive subscriptions. The fact that the Company subscribed, not having been negatived by any proof offered on the part of the defendants, or by any finding of the Court, as was held by this Court in the case last cited, the power of the County to subscribe was a right and privilege of the Company, and passed with its other rights and privileges, into the new condition of existence which it assumed upon its consolidation with another Company, and that the bonds were

fully authorized under such circumstances, to be issued to the consolidated Company, although voted in aid of one of the Companies before the consolidation occurred.

In *Menasha* vs. *Hazard*, 102 U. S. 81, this Court held that where a Railway Company was authorized at the time of its organization, to consolidate with another Company, under the law, and such consolidation was subsequently effected, that the bonds voted to the first Company were properly issued to the consolidated Company.

And in *Harter vs. Kernochen*, 103 U. S. 562, it was held, as in this case it must be presumed from the record of the County court, to which reference has been made, relative to the decision in the Bates county case, that as the delivery of the bonds of the consolidated Company was by the direction or consent of the county, the latter is estopped, as against the plaintiff, as a bona fide holder for value, from denying their validity. In the pending case we not only have this explicit recognition of the proper issue and delivery of the bonds to the consolidated Company, but a most emphatic recognition of the authorized delivery of the bonds to the consolidated Company, by the levy and payment of taxes for a long series of years, to discharge the annual interest accruing upon these bonds, which were by their terms made payable to the consolidated Company.

See also *Bonham rs. Needles*, 103 U. S., 648, reaffirming the principles of the Harter case.

In the Bonham case this Court said: "the records of the township contain no evidence of the township meeting at which the qualified voters assented to the

issue of bonds in payment of the donation voted on the 19th of November, 1868, except a certificate of William Book claiming to be deputy clerk of Big Mound Town. In that certificate he stated that at an election held at the Yates school house on the 28th day of August, that the majority of the voters present voted in favor of giving bonds to the Southeastern Railway for the bonus. This August 28th, 1869."

See also *County of Tipton vs. Locomotive Works*, 103 U. S. 523, *New Buffalo vs. Iron Company*, 105 U. S. 76. The bonds were issued by the township under a general statute of the State, and were voted for on the 22nd of May, 1869, as a donation to the Chicago, Michigan & Lake Shore Railroad Company, whose road commenced at the north line of Indiana and extended northwardly to the St. Joe river in Michigan, passing through the township of New Buffalo. This statute, which was in existence at the time the bonds were voted, provided (as the Missouri statute does in substance,) that the consolidated corporation should "possess all the powers, rights and franchises conferred upon such two or more corporations, and shall be subject to all the restrictions and perform all the duties imposed by the provisions of their respective charters or laws or organization, and all and singular their rights and interests in and to every species of property and things in action, when it shall be deemed to be transferred to and vested in such new corporation without any other deed or transfer." Upon this state of the case it was held, "That the aid voted must be deemed to have been given in view of the then existing statutes, authorizing two or more railroads forming a continuous connected line, to consolidate and form one corporation, and invested the

consolidated company with the various rights, properties and franchises of the constituent companies.

See also *Chickaming vs. Carpenter*, 106 U. S., 663.

This Court has repeatedly held that an actual and manual subscription on the books of the Company is not indispensably necessary to bind the municipality. See

Nugent vs. Supervisors, 19 Wall, 241.
County of Moultrie v. Rockinham &c., 92, U. S. 631.

And in the *County of Cass vs Gillette.* 100 U. S., 685, (also a Missouri case), the subscription was made by the County and for and in behalf of the county, and the validity of the subscription depended upon what the County did acting in its municipal capacity in its own behalf and entered upon the record, (which was, of course, proper) viz: a statement that the county did subscribe a certain amount to the stock of the Company upon certain terms and conditions; this Court held that under these circumstances, no manual subscription was necessary; that this was an effective declaration and contract of subscription on behalf of the Company, and was consummated by the issue and delivery of the bonds, although in point of fact, as was conceded, there was no manual subscription to the stock of the Company by the county. And this Court in that case further held that, although it did not appear that the county court on behalf of the county, made any order to subscribe to the capital stock of the Company, yet inasmuch as "it dealt with the construction committee of a branch of the road, and that the bonds in question were issued to said committee in payment of stock, that this was a transaction which entitled

the county to the amount of stock subscribed." And that "An actual manual subscription on the books of the Company was not necessary to entitle the county to the stock or to bind it as a subscriber thereto." The dealings of the county court were with the committee, although the name of the Company was used; and that the transaction was complete without any affirmatory action of the Company, and the county was entitled to its stock whether certificates therefor were actually issued or not.* Hence it follows if the municipality and the Company so dealt with each other with respect to the matter, they were respectively bound, and estopped to deny, even without an express contract, that subscription had in substance been effectively made and acted upon. The subscription having been duly authorized and voted for in the first instance, upon no principle of law, could either party, after such acts and dealings, disaffirm or disavow its liability.

Applying the principle of the foregoing case to the pending case, and bearing in mind that the County in issuing the bonds, acted ministerially but wholly within the power conferred by the taxpayers as evidenced by the final canvass of the vote taken, and the subsequent recognition of the fact that a subscription had been made by the County Court representing the township, and the acts of the municipality in levying taxes and paying interest upon the bonds for a long series of years, it is respectfully submitted that the liability of the County of Livingston is established beyond all cavil. And again, in the case of the County of Moultrie vs. Rockingham Bank 92 U. S. 631, this Court there as-

* and especially so when as in this case, as it must be assumed, the municipality obtained

serted the same general principles, and which were specifically approved in the Cass County case above cited.

In the Missouri case, of *Bates County vs. Winters*, 112 U. S. 325, it was expressly held by this Court, that under the Missouri statute, the consolidation of two or more companies under the general law could not invalidate a subscription made to the stock of either Company or the delivery of the bonds to the consolidated company in payment of the subscriptions, and "as the Lexington, Chillicothe & Gulf Co. was organized under the General Railroad Law of Missouri, which authorized consolidations, the subsequent consolidation of that Company with another organized under the same law, did not avoid the subscription which was made to its stock on the 17th of June, and the bonds issued for the payment of the subscription were properly delivered to the consolidated company." This has been many times decided. See also *New Buffalo v. Iron Company* 105 U. S. 73, and cases there cited.

In view of the facts presented by this record and the rule of decision as established by the Court, it is believed that there can be no question as to the validity of the bonds involved and their authorized issue and delivery to the consolidated company named as payee upon the face of the bonds; and keeping view of the legal pre-

sumptions in favor of a compliance with all the essential conditions of the law, which must be indulged in, in behalf of the plaintiff below as a *bona fide* purchaser for value, and the repeated ratifications of the acts of the County Court in the issue and delivery of the bonds, by the levy of taxes for a long period of years to pay interest upon them, all irregularities, if any, in the simple exercise of the power conferred by the taxpayers—the substantial conditions upon which the subscription was authorized having been complied with, and in no sense disregarded—the validity of these bonds in the hands of the Bank cannot be questioned.

It is said by counsel that the County Court was not composed of all the members elect; to this it is replied it is sufficient that it was done at a regular term and a majority or quorum were present and no presumptions can be entertained to gainsay this. It is also said that the finding is, that the railroad was constructed in 1871 by the St. Louis, Council Bluffs & Omaha Railroad Company, and not by the Chillicothe & Omaha Railroad Company, and the bonds were to be issued